



# भारत का राजपत्र

## The Gazette of India

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No. 4] NEW DELHI, SATURDAY, JANUARY 24, 1998/MAGHA 4, 1919

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

गृह मन्त्रालय

नई दिल्ली, 14 जनवरी, 1998

का. आ. 166 :—केन्द्रीय सरकार, भीमा सुरक्षा बल अधिनियम, 1968 (1968 का 47) की धारा 141 की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भीमा सुरक्षा बल नियम, 1969 का और संशोधन करने के लिए निम्नलिखित संशोधन करनी है। अर्थात् :—

1. (1) इन नियमों का मंशिप्त नाम सीमा सुरक्षा बल (संशोधन) नियम, 1997 है।

(2) ये गजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे

2. भीमा सुरक्षा बल नियम, 1969 के नियम 19 में,—

(क) उपनियम (1) के प्रथम परन्तुक के खंड (ii) का लोप किया जाएगा;

(ख) उपनियम (2) के परन्तुक का लोप किया जाएगा;

(ग) उपनियम (3) के खंड (ख) में, “यदि वह बल के अनुग्रामन के हित में प्रयोग करना असमीकृत समझती है; या” शब्दों के स्थान पर “यदि वह सेवा की अन्यावश्यकताओं के कारण या बल के अनुग्रामन के हित में प्रयोग करना असमीकृत समझती है; या” शब्द रखे जाएंगे।

[का. सं. 1/13/87—सी. प.ल. ऑ./बी. एम. एफ.]

जे. वी. कौशिङ, डैम्क अधिकारी

पाद टिप्पण :—मूल नियम का. आ. 2336, तारीख 9 जून, 1969 द्वारा प्रकाशित किया गया था और तत्पश्चात् उसमें निम्नलिखित द्वारा संशोधन किए गए :—

(1) का. आ. 1362 तारीख 7 अप्रैल, 1970

(2) का. आ. 4034 तारीख 21 अप्रैल, 1971

- (3) का. आ. 5087 तारीख 6 नवम्बर, 1971 (iii) S.O. 5087 dated 6 Nov., 1971
- (4) का. आ. 329 (ई) तारीख 29 अप्रैल, 1981 (iv) S.O. 329 (E) dated 29 April, 1981
- (5) का. आ. 155 तारीख 1 मार्च, 1983 (v) S.O. 155 dated 1 March, 1983
- (6) का. आ. 187 (ई) तारीख 23 मार्च, 1984 (vi) S.O. 187 (E) dated 23 March, 1984
- (7) का. आ. 431 (ई) तारीख 29 मई, 1996 (vii) S.O. 436 (E) dated 29 May, 1990
- (8) का. आ. 188 (ई) तारीख 13 मार्च, 1993 (viii) S.O. 188 (E) dated 13 March, 1993
- (9) का. आ. 1040 तारीख 25 मार्च, 1996 (ix) S.O. 1040 dated 25 March, 1996
- (10) का. आ. 1686 तारीख 31 मई, 1996 (x) S.O. 1686 dated 31 May 1996

## MINISTRY OF HOME AFFAIRS

New Delhi, the 14th January, 1997

S.O. 166.—In exercise of the powers conferred by sub-sections (1) and (2) of section 141 of the Border Security Force, Act, 1968 (47 of 1968) the Central Government hereby makes the following rules further to amend the Border Security Force Rules, 1969, namely:—

1. (1) These rules may be called the Border Security Force (Amendment) Rules, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 19 of the Border Security Force Rules, 1969,—

- (a) in sub-rule (1), in the first proviso, clause (ii) shall be omitted;
- (b) proviso to sub-rule (2) shall be omitted;
- (c) in sub-rule (3), in clause (b), for the words "so to do", the words "so to do due to exigencies of service or" shall be substituted.

[F.No.1/13/87-CLO/BSF]

J. B. KAUSHISH, Desk Officer

Foot Note : The principal rules were published in Gazette of India vide S.O. 2336 dated 9 June 1969 and subsequently amended by:

(i) S.O. 1362 dated 7 April, 1970

(ii) S.O. 4034 dated 21 Oct., 1971

कार्मिक, लोक शिकायत तथा पेशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 30 दिसम्बर, 1997

का.आ. 167—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 संपठिन धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए गुजरात राज्य सरकार के राजस्व विभाग की दि. 20 अगस्त, 1997 की अधिसूचना सं. जीएनएम/58/97/एसटीरी-1097/1165/पार्ट-II/एच-1 द्वारा प्राप्त गुजरात राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार मंत्रालय विवरण (अनुबंध-1) के अनुमार गुजरात राज्य में रजिस्टर किये गये मामलों में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 258, 259, 260, 406 और 420 संपठिन भारतीय दंड संहिता की धारा 34 के अतीत अपराधों तथा उपर्युक्त अपराधों में से एक अवृत्ता अधिक से संबंधित अवृत्ता सत्सवत प्रयत्नों दुष्प्रेरणों और पड़यतों तथा वैसे ही संबंधहार के अनुक्रम में किये गये अवृत्ता उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अवृत्ता अपराधों के अन्वेषण के लिये समूर्ण गुजरात राज्य पर करती है।

[मं. 228/71/97-एवीडी-II]

हरि सिंह, अवर सचिव

## अनुबंध-1

उप-रजिस्ट्रार के कार्यालय में पाई गई जाली स्टाम्प संबंधी विवरण

क्रम सं.	निरीक्षित उप-रजिस्ट्रार कार्यालय का नाम	पाए गए जाली स्टाम्प की संख्या	स्टाम्प का अंकित मूल्य एवं उनकी संख्या	पुलिस स्टेशन का नाम जहाँ शिकायत की गई
1	2	3	4	5
1.	उप-रजिस्ट्रार सिटी सिटी-1 शीकोटा, अहमदाबाद	26	₹. 5000 6 ₹. 2000	करांज पुलिस स्टेशन अहमदाबाद
			5 ₹. 1000 14 ₹. 500	
2.	उप-रजिस्ट्रार नरोदा जिला अहमदाबाद	44	5000 3 3000	सरी नगर पुलिस स्टेशन अहमदाबाद-8
			1 2000 2 1000 38	
3.	उप-रजिस्ट्रार पालदी जिला अहमदाबाद	21	1000 20 500	एलीसबिंज पुलिस स्टेशन
			1	

एफ आई आर सं.	अभियुक्त व्यक्तियों का नाम	गिरफ्तार व्यक्तियों का नाम	क्या रिमांड लिया गया और कितने दिन का	क्या अग्रिम जमानत मर्जूर की गई है	अन्धुक्ति
एवं वर्ष					
6	7	8	9	10	11
105/97	श्री कमलेश माया भाई शाह	कमलेश माया भाई शाह	—	हां	—
231/97 एवं 232/97	कमलेश भाई माया भाई शाह देवेश कुमार गिजू भाई श्यास	— —	— —	— —	— —
322/97	कल्लू मियां मोहम्मद श्यास कमलेश मियां भाई शाह	— —	— —	— —	— —
398/97	कल्लू मियां उर्फ मोहम्मद श्यास देवेश कुमार गिजू भाई श्यास	— — —	— — —	— — —	— — —

1	2	3	4	5
4.	उप-रजिस्ट्रार नरोदा, जिला अहमदाबाद	26	2000	शाही बाग पुलिस स्टेशन
			8 1000	
			18	
5.	उप-रजिस्ट्रार ऊधव जिला अहमदाबाद	7	1000	ऊधव पुलिस स्टेशन
			7	
6.	उप-रजिस्ट्रार सिटी-1, अहमदाबाद	12	1000	कारंज पुलिस स्टेशन
			8 1000	
			4	
7.	उप-रजिस्ट्रार सानन्द जिला अहमदाबाद	258	5000	सानन्द पुलिस स्टेशन जिला अहमदाबाद
			97 1000	
			129	
			500	
			32	

6	7	8	9	10	11
186/97	कमलेण मियां भाई शाह	—	—	—	—
214/97	देवेश गिजू भाई	—	—	—	—
	ब्यास				
190/97	कल्लू मियां उर्फ मोहम्मद मियां योद्धा देवेश कुमार गिजू भाई ब्यास	— — — —	— — — —	— — — —	— — — —
155/97	तूरमोहम्मद पी. मोमीन कमलेश राठी लाल प्रजापति राजेन्द्र राठी लाल प्रजापति प्रमोद जीवन लाल कानसारा	1. एन.पी. मोमीन 2. के.आर. प्रजापति 3. आर. आर. प्रजापति 4. पी.जे. कानसारा 5. कनू भाई धोबी	हाँ 5 दिन	—	—

1	2	3	4	5
8.	उप-रजिस्ट्रार धोलका, जिला अहमदाबाद	3	5000 — 1 500 — 2	धोलका पुलिस स्टेशन जिला अहमदाबाद
9.	उप-रजिस्ट्रार आनन्द, जिला खेड़ा	504	5000 — 401 1000 — 99 500 — 4	आनन्द पुलिस स्टेशन जिला खेड़ा
10.	उप-रजिस्ट्रार अहमदाबाद जिला खेड़ा	2	1000 2 — 5000 — 2	महमदाबाद पुलिस स्टेशन
11.	उप-रजिस्ट्रार पेटलाद जिला खेड़ा	2	5000 — 2	पेटलाद पुलिस स्टेशन
12.	उप-रजिस्ट्रार कादी	2	5000 — 1 1000 — 1	बावल पुलिस स्टेशन

6	7	8	9	10	11
82/97	प्रमोद राज जीवन लाल कानसारा	1. कमलेश राठी लाल नूरमोहम्मद पी. मोर्मीन कमलेश आर. प्रजापति राजेन्द्र आर. प्रजापति	हाँ 5 दिन	—	—
232/97	बाबू भाई एच. पाटिल	बी. के. पाटिल भरत कुमार एच. पाटिल राजेन्द्र कुमार आर. धर्जी पनम भाई झी. पाटिल मनीष कुमार पी. पाटिल	हाँ 5 दिन	—	—
177/97	श्रीमती हनुमती एन. कनसारा	—	—	—	—
233/97	राजेन्द्र आर. धर्जी	—	—	—	आनन्द पुलिस स्टेशन को हस्तांतरित
37/97	प्रमोद जे. कनसारा श्रीमती श्राई. एन. कनसारा	—	—	—	—

1	2	3	4	5	
13.	उप-रजिस्ट्रार कालोल (एनजी)	1	5000	कालोल (एनजी) पुलिस स्टेशन	
			1		
6	7	8	9	10	11
97/97	कमलेश मियां	--	--	--	--
	भाई शाह				
	भद्रेश भाई				
	रमन लाल शाह				

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS(Department of Personnel and Training)  
New Delhi, the 30th December, 1997

S.O. 167.—In exercise of the powers conferred by Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Gujarat vide Revenue Department Notification No. GHM/58/97/STP-1097/1165/Part-II/H-1 dated 20th August, 1997 hereby extends the powers and jurisdiction of the members of Delhi

Special Police Establishment to the whole of the State of Gujarat for investigation of offences under Sections 258, 259, 260, 406 and 420 of Indian Penal Code, 1860 (Act No. 45 of 1860) read with Section 34 of Indian Penal Code and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts in the cases registered in the State of Gujarat, as detailed in the enclosed statement (Annexure-I).

[No. 228/71/97-AVD-II]  
HARI SINGH, Under Secy.

## ANNEXURE—I

## STATEMENT SHOWING THE DETAILS OF FORGED STAMPS FOUND IN THE OFFICE OF THE SUB-REGISTRARS

Name of Sub-Registrars Office inspected	Number of forged stamps noticed	Denomi. of Stamps & No. of Stamps	Name of Police Stn. in which complaint launched	
1	2	3	4	5
1. Sub-Registrar City-I Gheekanta Ahmedabad.	26	Rs. 5000 — 6 Rs. 2000 — 5 Rs. 1000 — 14 Rs. 500 — 1	Karanj Police Station, Ahmedabad.	

FIR No. & Year	Name of accused persons	Name of person attested	Whether remand taken and No. of days	Whether advance Bill is granted	Remarks
6	7	8	9	10	11
105/97	Shri Kamlesh Mayabhai Shah	Kamleshbhai Mayabhai Shah	—	Yes	

1	2	3	4	5
2.	Sub-Registrar Narola, Dist: A'bad.	44	5000 — 3 3000 — 1 2000 — 2 1000 — 38	Marinagar Police Station, Ahmedabad.
3.	Sub-Registrar Paldi, Dist. A'bad.	21	1000 — 20 500 — 1	Ellisbridge Police Station.
4.	Sub-Registrar Naroda, Dist : A'bad.	26	2000 — 8 1000 — 18	Shahibaug Police Station.
5.	Sub-Registrar Odhav, Dist: A'bad.	7	1000 — 7	Odhav Police Station.
6.	Sub-Registrar City I, A'bad.	12	1000 — 8 1000 — 4	Karanj Police Station

6	7	8	9	10	11
231/97	Kamleshbhai Mayabhai Shah	—	—	—	—
&					
234/97	Deveshkumar Gijubhai Vyas Palumiya Urfe Mohamadmiya Ahmedmiya Shaikh.	—	—	—	—
322/97	Kamlesh Mayabhai Shah	—	—	—	—
398/97	Kalumiya Urfe Mohamadmiya Ahmedmiya Sbaikh. Deveshkumar Gijubhai Vyas.	—	—	—	—
186/97	Kamlesh Mayabhai Shah	—	—	—	—
214/97	Devesh Gijubhai Vyas	—	—	—	—
190/97	Kalumiya Urfe Mohamed Miya Ahmedmiya Sbaikh. Deveshkumar Gijubhai Vyas	—	—	—	—

1	2	3	4	5
7.	Sub-Registrar Sanand Dist: A'bad.	258	5000 97 1000 <hr/> 129 500 <hr/> 32	Sanand Police Station Dist : A'bad
8.	Sub-Registrar Dholka, Dist: A'Bad.	3	5000 <hr/> 1 500 <hr/> 2	Dholka Police Station, Dist: A'bad.
9.	Sub Registrar Anand Dist: Kheda	504	5000 <hr/> 401 1000 <hr/> 99 5000 <hr/> 4	Anand Police Stn. Dist: Kheda
10.	Sub-Registrar Mohemadabad Dist. Kheda.	2	1000 <hr/> 2	Mohamedbad Police Stn.
11.	Sub-Registrar Petlad Dist: Kheda.	2	5000 <hr/> 2	Petlad Police Station.

6	7	8	9	10	11
155/97	Noormohmad P. Momin.	1. N.P. Momin. 2. K.R. Prajapati. 3. K. R. Prajapati 4. P.J. Kansara 5. Kanubhai Dhobi.	Yes 5 days		
82/97	Premodray Jivanlal Kansara. Noormohmad P. Momin. Kamlesh R. Prajapati. Rajendra R. Prajapati.	1. Kamlesh Ratilal Prajapati	Yes 5 days		
232/97	Bachu Bhai H. Patel. Bharat Kumar H. Patel Rajendra Kumar R. Darji. Poonambhai D. Patel. Manishkumar P. Patel.	1. B. K. Patel 2. B. M. Patel 3. R. R. Darji	Yes 5 days		
177/97	Smt. Indumati N. Kansara.	—	—	—	
233/97	Rajendra R. Darji.	—	—	—	

6	7	8	9	10	11
12.	Sub-Registrar Kadi	2	5090	Babina Police Station	
			1		
			1000		
			—		
			1		
	13. Sub-Registrar Kalol (NG)	1	5000	Kalol (MG) Police Stn.	
			—		
1	2	3	4	5	
37/67	Pramod J. Kansara Smt. I.N. Kansara.	—	—	—	
97/97	Kamlesh Miya Bhai Shah. Bhadreshbhai Ramanlal Shah.	—	—	—	

तर्फ दिल्ली, 9 जनवरी, 1998

का.आ। 168.—केन्द्रीय सरकार एतद्वारा वंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित प्रधिकरणों को मध्य प्रदेश राज्य में दिल्ली विशेष पुलिस स्थापना (के.प्र. घूरो) द्वारा संरिथत मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण घूरो द्वारा उन्हें सौंपे गये मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

### सर्वश्रीं

1. ए. उस्मानी जबलपुर
2. शरद चन्द्र चतुर्वेदी जबलपुर
3. रमन पटेल जबलपुर
4. पू. के. मान जबलपुर
5. अरविंद श्रीवास्तव जबलपुर
6. अनिल खाटे जबलपुर
7. बी.एस. पटेल जबलपुर
8. आर. के. ननहोरिया जबलपुर
9. प्रकाश वर्मा इन्दौर
10. उमा शंकर अग्निहोत्री इन्दौर
11. अशोक शुक्ला इन्दौर
12. एम.डी. सिंहा इन्दौर

13. प्रदीप गुप्ता इन्दौर
14. शोम प्रकाश पराशर भोपाल
15. वी. के. जोशी भोपाल
16. विभूति ज्ञा भोपाल
17. हरिश मेहता भोपाल
18. अजय मिश्र भोपाल

[सं. 225/46/97-एवीडी-II]  
हरि सिंह, अध्यक्ष सचिव

New Delhi, the 9th January, 1998

S.O. 168.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Madhya Pradesh as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

### S/Shri

1. A. Usmani Jabalpur
2. Sharad Chandra Chaturvedi Jabalpur
3. Raman Patel Jabalpur
4. N. K. Mann Jabalpur
5. Arvind Srivastava Jabalpur
6. Anil Khate Jabalpur
7. B. S. Patel Jabalpur
8. R. K. Nanheria Jabalpur
9. Prakash Verma Indore
10. Uma Shankar Agnihotri Indore
11. Ashok Shukla Indore
12. M. D. Sinha Indore

13. Pradeep Gupta	Indore
14. Om Prakash Parasher	Bhopal
15. V. K. Joshi	Bhopal
16. Vibhuti Jha	Bhopal
17. Harish Mehta	Bhopal
18. Ajay Mishra	Bhopal

[No. 225/46/97-AVD.II]

HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 169.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को गुजरात राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

## सर्वश्री

1. निश्ठि धी. मेहता
2. अब्दुल रशीद ए. शेख
3. डी. एस. त्रिवेदी
4. गौरांग अनिल कुमार व्यास

[सं. 225/59/97-ए वी डी-II]

हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 169.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Gujarat as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

## S/Shri

1. Nishith P. Mehta
2. Abdul Rashid A. Shaikh.
3. D. S. Trivedi.
4. Gaurang Anil Kumar Vyas.

(No. 225/59/97/AVD. II)  
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 170.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को केरल राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजक तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

निम्नलिखित अधिवक्ताओं को कर्नाटक राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :

## सर्वश्री

1. वी. ए. रामा शर्मा
2. चैतन्य हेगडे
3. के.के. वसन्त
4. एम. मी. रवि कुमार
5. एन. वी. प्रकाश

[सं. 225/61/97-ए वी डी-II]

हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 170.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Karnataka as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

## S/Shri

1. V. A. Rama Sharama
2. Chaitanya Hegde
3. K. K. Vasanth
4. M. C. Ravi Kumar
5. N. V. Prakash

[No. 225/61/97-AVD. II]

HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 171.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को केरल राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. ब्यूरो) द्वारा संस्थित मामलों के संबंध में विचारण न्यायालयों में निदेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों में अभियोजक तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के

संचालन के लिए विशेष लोक अभियोजक के रूप में  
नियुक्त करती है :

सर्वश्री

1. के. कुनिहिरामा मेनन
2. एन. पुरुषोत्तमन नायर
3. सी के अब्दुल रहिम

[म. 225/62/98-ए.वी.डी-II]  
हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 171.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Kerala as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

S/Shri

1. K. Kunihirama Menon
2. N. Purushothaman Nair
3. C. K. Abdul Rahim.

[No. 225/62/97-AVD. II]  
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 172--केन्द्रीय सरकार एतद्वारा दण्ड प्रतिया  
संक्षिता 1973 (1974 का अधिनियम स. 2) द्वारा  
24 की उपद्वारा (8) द्वारा प्रवत्त शक्तियों का प्रयोग  
करते हुए निम्नलिखित अधिवक्ताओं को उत्तर प्रवेश राज्य  
में दिल्ली विशेष पुलिस स्थापना (के.आ.व्यू.रो) द्वारा  
संस्थित मामलों के संबंध में विचारण व्यायालयों में  
निवेशक, केन्द्रीय अन्वेषण व्यू.रो द्वारा उन्हें सौंपे  
गये मामलों में अधियोजन तथा विधि द्वारा स्थापित  
पुनरीक्षण अथवा अपील व्यायालयों में इन मामलों में  
उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए  
विशेष लोक अभियोजक के रूप में नियुक्त करती है।

सर्वश्री

1. ए.के. मित्तल
2. अलिन कुमार विह
3. के.पी. सिंह
4. जी.सी. शर्मा
5. श्रीमती अलका पी. विह

[म. 225/64/97-ए.वी.डी-II]  
हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 172.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Uttar Pradesh as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

S/Shri

- |                       |          |
|-----------------------|----------|
| 1. A. K. Mittal       | Lucknow  |
| 2. Lalit Kumar Singh  | Lucknow  |
| 3. K. P. Singh        | Lucknow  |
| 4. G. C. Sharma       | Dehradun |
| 5. Smt. Alka P. Singh | Dehradun |

[No. 225/64/97-AVD. II]  
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 173--केन्द्रीय सरकार एतद्वारा दण्ड प्रतिया  
संक्षिता 1973 (1974 का अधिनियम स. 2) द्वारा  
24 की उपद्वारा (8) द्वारा प्रवत्त शक्तियों का प्रयोग  
करते हुए निम्नलिखित अधिवक्ताओं को जम्मू और  
कश्मीर राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ.  
व्यू.रो) द्वारा संस्थित मामलों के संबंध में विचारण  
व्यायालयों में निवेशक, केन्द्रीय अन्वेषण व्यू.रो द्वारा उन्हें  
सौंपे गये मामलों में अधियोजन तथा विधि द्वारा स्थापित  
पुनरीक्षण अथवा अपील व्यायालयों में इन मामलों में  
उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन  
के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती  
है।

सर्वश्री

1. द्वृष्टि कुमार
2. ओ.पी. शर्मा,
3. बी.एस. सैनी

[म. 225/66/97-ए.वी.डी-II]  
हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 173.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Jammu & Kashmir as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising

out of these cases in revisional or appellate courts established by Law.

S/Shri

1. Krishan Kumar
2. O. P. Sharma
3. D. S. Saini

[No. 225/66/97-AVD. II]  
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 174—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को बिहार राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. बूरो) द्वारा स्थित मामलों के संबंध में विचारण न्यायालयों में निवेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें संपै गये मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

संवृद्धी

- |                            |          |
|----------------------------|----------|
| 1. रोहिणी कुमार मजूमदार    | गुवाहाटी |
| 2. बिजाल चन्द्र दास        | गुवाहाटी |
| 3. लक्ष्मेश्वर तेलुकदार    | गुवाहाटी |
| 4. परिमल च. दास            | शिल्लंग  |
| 5. श्रीमती तेहरिंग याज्ञित | शिल्लंग  |

[नं. 225/68/97-एवीडी-II]  
हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 174.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Assam as entrusted to them by the Director, General Bureau of Investigation, in the trial Courts and appeals/revisions or other matters arising out of these cases in revisional or appellate Courts established by Law.

S/Shri

- |                          |          |
|--------------------------|----------|
| 1. Rohini Kumar Majumdar | Guwahati |
| 2. Chandra Das           | Guwahati |
| 3. Lakheswar Talukdar    | Guwahati |
| 4. Parimal Ch. Das       | Shillong |
| 5. Tehering Yazgit       | Shillong |

[No. 225/68/97-AVD. II]  
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 175—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को बिहार राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. बूरो) द्वारा स्थित मामलों के संबंध में विचारण न्यायालयों में निवेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें संपै गये मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

संवृद्धी

1. वी.एन. सहाय
2. वी.के. शुक्ला
3. एन.ए. शम्सी
4. के. दयाल

[नं. 225/69/97-एवीडी-II]  
हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 175.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Bihar as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

S/Shri

1. B. N. Sahay
2. B. K. Shukla
3. N. A. Shamsi
4. K. Dayal

[No. 225/69/97-AVD.II]  
HARI SINGH, Under Secy.

नई दिल्ली, 9 जनवरी, 1998

का.आ. 176—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को आंध्र प्रदेश राज्य में दिल्ली विशेष पुलिस स्थापना (के.आ. बूरो) द्वारा स्थित मामलों के संबंध में विचारण न्यायालयों में निवेशक, केन्द्रीय अन्वेषण ब्यूरो द्वारा उन्हें संपै गये मामलों में अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत

अपीलों/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिये विशेष सोक अभियोजक के स्प में नियुक्ति करती है।

## सर्वथी

1. एम. आर. रेडी	विशेषाधिकारी
2. एस. रामचंद्रा राव	विशेषाधिकारी
3. एम. पुन. आदित्य	हैदराबाद
4. वी. सरथना	हैदराबाद
5. सी. सीताराम मुर्ति	हैदराबाद
6. एम. ए. अन्नी	हैदराबाद
7. डी. रमेश	हैदराबाद
8. श्रीमती छाला महालक्ष्मी	हैदराबाद

[सं. 225/72/97-ए वी डी -II]  
हरि सिंह, अवर सचिव

New Delhi, the 9th January, 1998

S.O. 176.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the State of Andhra Pradesh as entrusted to them by the Director, Central Bureau of Investigation, in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by Law.

## S/Shri

1. M. R. Reddi	Visakhapatnam
2. S. Ramchandra Rao	Visakhapatnam
3. M. N. Aditya	Hyderabad
4. V. Saravanna	Hyderabad
5. C. Seetarama Murthy	Hyderabad
6. M. A. Ali	Hyderabad
7. D. Ramesh	Hyderabad
8. Smt. Challa Mahalakshmi	Hyderabad

[No. 225/72/97-AVD.III]  
HARI SINGH, Under Secy.

वित्त मंत्रालय  
(राजस्व विभाग)

आदेश

नई दिल्ली, 2 जनवरी, 1998

स्टाम्प

कांग्रा० 177.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा मैसर्ज टी आई प्र० लि०, कलकत्ता को मात्र तीन लाख पचास हजार रुपए का समेकित स्टाम्प शुल्क अवधि करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किये जाने वाले केवल पांच करोड़ [रु० ५००००००] से १०००००० रु० के अंकित मूल्य वाले ५, ००, ०००-१४% विमोच्य अपरिवर्तनीय ऋण पत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

जारी किए जाने वाले केवल दो करोड़ रु० मूल्य के 1000-1000 रु० के अंकित मूल्य वाले 1 से 20000 तक की विशिष्ट संख्या के निजी तौर पर अवंटित किए गए 20000-18% सुरक्षित विमोच्य अपरिवर्तनीय ऋण-पत्रों के कारण प्रभाय है।

[सं. 1/97-स्टाम्प/का० सं. 15/2/97-वि०क०]

एस० कुमार, अवर सचिव

MINISTRY OF FINANCE  
(Department of Revenue)  
ORDER

New Delhi, the 2nd January, 1998

## STAMPS

S.O. 177.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Usha International Limited, Delhi to pay consolidated stamp duty of rupees one lakh fifty thousand only chargeable on account of stamp duty on 20,000-18 per cent Secured Privately placed Redeemable Non-Convertible Debentures bearing distinctive numbers from 1 to 20000 of the face value of rupees one thousand each at par of the aggregate value of rupees two crores only to be issued by the said company.

[No. 1/97-STAMPS/F No. 15/2/97-ST]

S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 2 जनवरी, 1998

स्टाम्प

कांग्रा० 178.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा मैसर्ज टी आई प्र० लि०, कलकत्ता को मात्र तीन लाख पचास हजार रुपए का समेकित स्टाम्प शुल्क अवधि करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किये जाने वाले केवल पांच करोड़ [रु० ५००००००] से १०००००० रु० के अंकित मूल्य वाले ५, ००, ०००-१४% विमोच्य अपरिवर्तनीय ऋण पत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 2/97-स्टाम्प/का० सं. 15/11/97-वि०क०]

एस० कुमार, अवर सचिव

**ORDER**

New Delhi, the 2nd January, 1998

**STAMPS**

**S.O. 178.**—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. TIL Limited, Calcutta to pay consolidated stamp duty of rupees three lakh seventy five thousand only chargeable on account of stamp duty on 5,00,000—14 percent redeemable non-convertible debentures bearing distinctive numbers from 500001 to 1000000 of the face value of rupees one hundred each at par of the aggregate value of rupees five crores only to be issued by the said company.

(No. 2/97-STAMPS|F. No. 15/11/97-ST

**S. KUMAR,** Under Secy.

(अधिकृत विभाग)

(बैंकिंग प्रभाग)

ना

नई दिल्ली, 7 जनवरी, 1998

**का.आ. 179.**—राष्ट्रीयकृत बैंक (प्रबंध और प्रकार्य उपबंध) स्कीम, 1970 के खंड 3 के उपलब्ध (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतर्ज्ञ) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (क) के अनुसरण में, केन्द्रीय सरकार, एतदएवारा, श्री एन० जी० चन्द्रशेखर, विशेष सहायक, सिडिकेट बैंक, 69, अर्मेनियन स्ट्रीट, चेन्नई को विनांक 7-1-1998 से 6-1-2001 तक तीन वर्ष की अवधि के लिए या जब तक वे सिडिकेट बैंक के एक कर्मचारी के रूप में शपनी सेवा छोड़ नहीं देते हैं, इनमें से जो भी पहले हो, सिडिकेट बैंक के निदेशक योर्ड में निदेशक नियुक्त करती है।

[का० सं० 15/5/97-आईआर]

डा० परमजीत सिंह सिंह, उप सचिव

(Department of Economic Affairs)

**NOTIFICATION**

(Banking Division)

New Delhi, the 7th January, 1998

**S.O. 179.**—In pursuance of clause (e) of Sub-section (3) of Section 9 of the

Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-Clause (1) of Clause 3 of Nationalised Bank (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri N. G. Chandrashekhar, Special Assistant, Syndicate Bank, 69, Armenian Street, Chennai as a Director on the Board of Directors of Syndicate Bank for a period of three years with effect from 7-1-1998 to 6-1-2001 or until he ceases to be a workman employee of Syndicate Bank whichever is earlier.

(F. No. 15/5/97-IR)

**DR. PARAMJIT SINGH SIDHU,** Under Secy.

नई दिल्ली, 7 जनवरी, 1998

**का०आ० 180.**—भारतीय बैंक की संस्थापि पर बैंककारी विभिन्न सम्बन्धित अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्र सरकार घोषणा करती है कि दिवंगलीर जिला और दिवंगलीर ग्रामीण जिला सहकारी बैंकिंग बैंक (कर्नाटक राज्य) पर, उक्त अधिनियम की धारा 11 की उपधारा 1 के उपर्युक्त इस अधिसूचना के सरकारी राज्यसभा में प्रकाशन को तारीख से 31 मार्च 2000 तक जारी नहीं होगे।

[का० सं० 1(9)/97-इ० सं०]

एस०के० ठाकुर, अवर सचिव

New Delhi, the 7th January, 1998

**S.O. 180.**—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to The Bangalore District and Bangalore Rural District Co-operative Central Bank Ltd., Bangalore (Karnataka State) from the date of publication of this notification in the official Gazette to 31 March, 2000.

[F. No. 1(9)/97-AC]

**S. K. THAKUR,** Under Secy.

## उद्योग मंत्रालय

(श्रौद्धोगिक नीति और संवर्धन विभाग )

आदेश

नई दिल्ली, 9 जनवरी, 1998

का.आ. 181—विकास परिषद (प्रतियोगी) नियमावली, 1952 के नियम 2,3,4 और 5 के साथ पठित उद्योग (विकास और विनियम) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एवं द्वारा आटोमोबाइल एंड एलईड इंस्ट्रीज के लिये विकास परिषद के सदस्यों के रूप में निम्नलिखित शक्तियों को इस आदेश के सरकारी राजपत्र में प्रकाशित होने की तारीख से 2 वर्ष की अवधि के लिये नियुक्त करती है:—

(क) अनुसूचित उद्योग के तकनीकी शक्ति फूलुओं से संबंधित मामलों में विशेष ज्ञान स्वेच्छा वाले व्यक्ति :—

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| 1. सचिव, भारत सरकार, श्रौद्धोगिक नीति और संवर्धन विभाग, उद्योग मंत्रालय, उद्योग भवन, नई दिल्ली। | अध्यक्ष |
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| 2. संयुक्त सचिव, (प्रधापण नियंत्रण), वसन तथा पर्यावरण मंत्रालय, नई दिल्ली। | सदस्य |
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| 3. सलाहकार (उद्योग एवं ज्ञान), योजना शायोग, नई दिल्ली। | सदस्य |
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| 4. संयुक्त सचिव, (कर अनुसंधान एकक), केन्द्रीय उत्पाद एवं सीमा ग्रुप्प बोर्ड, विस मंत्रालय, नई दिल्ली। | सदस्य |
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| 5. संयुक्त सचिव, (परिवहन), भूतल परिवहन मंत्रालय, नई दिल्ली। | सदस्य |
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| 6. संयुक्त सचिव, (ईंधन मामले), पेट्रोलियम और प्राकृतिक गैस मंत्रालय, नई दिल्ली। | सदस्य |
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| 7. संयुक्त सचिव, (कृषि कार्यान्वयन तथा मणीमरी प्रभाग), कृषि और सहकारिता विभाग, कृषि मंत्रालय, नई दिल्ली। | सदस्य |
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| 8. निवेशक, आटोमोटिव रिसर्च एंसोसिएशन ऑफ इंडिया, पो. बाक्स नं. 832, पुणे-411004 | सदस्य |
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| 9. निवेशक, व्हिकल रिसर्च एंड डेवलपमेंट इंस्टीब्लिशमेंट पो. ओ. वाहन नगर, अहमदाबाद-414006 | सदस्य |
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(ख) अनुसूचित उद्योग में श्रौद्धोगिक उपकरणों के स्थानिकों के हित में व्रतिनिधित्व करने वाले व्यक्ति :—

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| 10. अध्यक्ष, एसोसिएशन ऑफ इंडियन आटोमोबाइल मैन्युफैक्चर्स, कोर-4 बी, जोन-4, पांचवां तस्वीर, इंडिया हेबीटेक सेंटर, सोदी रोड, नई दिल्ली-110 003 | सदस्य |
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| 11. अध्यक्ष, आटोमोटिव कम्पोनेंट मैन्युफैक्चर्स, एसोसिएशन, 203-205, कीर्ति दीप बिल्डिंग, नांगल राया बिजनेस सेंटर, नई दिल्ली-110 046 | सदस्य |
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| 12. उपाध्यक्ष, आटोमोटिव कम्पोनेंट मैन्युफैक्चर्स एसोसिएशन, 203-205 कीर्ति दीप बिल्डिंग, नांगल राय, बिजनेस सेंटर, नई दिल्ली-46 | सदस्य |
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| 13. अध्यक्ष, ट्रैकटर मैन्युफैक्चर्स, एसोसिएशन, 23-26 इंस्टीट्यूशनल प्रिस्या, सोदी रोड, नई दिल्ली-110 003 | सदस्य |
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| 14. श्री आर. एस. एस. एल. एन. भास्करदु प्रबंध निवेशक मार्शल उद्योग लि., जीवन प्रकाश 11 बां तल, 25, कस्तूरबा गांधी मार्ग, नई दिल्ली-110 001 | सदस्य |
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| 15. श्री सी. के. बिरला घरिण्ठ अध्यक्ष हिन्दुस्तान मोटर और जनरल मोटर इंडिया लि. 9/1 आर. एन. मुकर्जी रोड, कलकत्ता-700 001 | सदस्य |
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16. श्री मैत्रीय बी. दोगी, प्रबंध निवेशक, प्रीमियर आटोमोबाइलस लि., एल. बी. एस. मार्ग, कुरुक्षेत्र, मुंबई—400070	सदस्य
17. श्री राहुल बजाज, प्रध्यक्ष और प्रबंध निवेशक बजाज आटो. लि., मुम्बई—पुणे रोड, अकरदी, पुणे—411035	सदस्य
18. श्री आनंद महिन्द्रा, मुद्र्य कार्यकारी अधिकारी, फोर्ड कार्स और ट्रैक्टर्स, गेटवे बिल्डिंग, अपोलो बंडर मुंबई—400001	सदस्य
19. श्री वीनू श्रीनिवासन, प्रबंध निवेशक, टीचीएस—भुजुकी लि., जयलक्ष्मी एस्टेट, 8, हांडोस रोड, मद्रास—600006	सदस्य
20. श्री एस. के. भार्गव, प्रध्यक्ष, आयसर मोटर्स लि. आयसर हाऊस, 12, कर्मशियम काम्पलैक्स, ग्रेटर कैलाश, (मस्जिद मोठ) नई दिल्ली—110048	सदस्य
21. श्री एस. जी. अवस्थी, प्रबंध निवेशक, देव भाट्टर्स ( इंडिया ) लि., एफ ब्लॉक 5—2 अपर ग्राउंड प्लॉर, इंटरनेशनल ट्रेड टावर, नेहरू प्लेस, नई दिल्ली—110 019	सदस्य
(ग) उपर्युक्त किसी भी श्रेणी से संबंध न रखने वाले व्यक्ति जो अनुसूचित उद्योग द्वारा निर्मित प्रथम उत्पादित वस्तुओं के उपभोक्ताओं के हितों का प्रतिनिधित्व करने में सक्षम हैं:—	
22. कार्यकारी निवेशक, एसोसिएशन ऑफ एस्टेट रोड ट्रांसपोर्ट, अंडरटेकिंग 7/6 सीरीफोर्ट हॉस्टीट्यूशनल एरिया, खेलगांव मार्ग, नई दिल्ली—110 049	सदस्य
23. संयुक्त सचिव ( आटोमोबाइलस )	सदस्य
अधिकारीय नीति और संबंधित विभाग, उद्योग मंत्रालय, उद्योग भवन नई दिल्ली—110 011	

विकास परिषद् ( प्रक्रिया ) नियमावली, 1952 के नियम 2 के खंड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा संयुक्त सचिव ( आटोमोबाइल ) अधिकारीय नीति और संबंधित विभाग, उद्योग मंत्रालय नई विल्सों को उक्त विकास परिषद् के सचिव का कार्य करने के लिए नियुक्त करती है।

[स. 7/(8)/96-ए.इ.आई.]  
श्रीमति प्रतिभा करन संयुक्त सचिव

**MINISTRY OF INDUSTRY**  
(Department of Industrial Policy and Promotion)  
**ORDER**  
New Delhi, the 9th January, 1998

S.O. 181.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules, 2, 3, 4 and 5 of the Development Council (Procedural) Rules, 1952 the Central Government hereby appoints, for a period of two years from the date of publication of this Order in the Official Gazette, the following persons to be Members of the Development Council for Automobiles and Allied Industries, namely :—

A. Persons having special knowledge of matters relating to the technical or other aspects of the scheduled industry :

- |  |          |
|--|----------|
| 1. Secretary to the Government of India,<br>Department of Industrial Policy and Promotion,<br>Ministry of Industry,<br>Udyog Bhavan,<br>New Delhi. | Chairman |
|--|----------|

2.	Joint Secretary (Pollution Control), Ministry of Environment and Forests, New Delhi,	Member
3.	Adviser (Industry and Minerals), Planning Commission, New Delhi.	Member
4.	Joint Secretary (Tax Research Unit), Central Board of Excise and Customs, Ministry of Finance. New Delhi.	Member
5.	Joint Secretary (Transport), Ministry of Surface Transport, New Delhi.	Member
6.	Joint Secretary (Fuel Matters), Ministry of Petroleum and Natural Gases, New Delhi.	Member
7.	Joint Secretary (Agriculture implements and Machinery Division), Department of Agriculture and Cooperation, Ministry of Agriculture, New Delhi.	Member
8.	Director, Automotive Research Association of India, Post Box No. 832, Pune-411004.	Member
9.	Director, Vehicle Research and Development Establishment P.O. Vahan Nagar, Ahmednagar-414006.	Member
<b>B. Persons capable of representing the interests of owners of industrial undertakings in the scheduled industry :</b>		
10.	President, Association of Indian Automobile Manufacturers, Core 4-B, Zone-IV, 5th Floor, India Habitat Centre, Lodhi Road, New Delhi-110 003.	Member
11.	President, Automotive Component Manufacturers Association, 203-205, Kirti Deep Building, Nangal Raya Business Centre, New Delhi-110 046.	Member
12.	Vice-President, Automotive Component Manufacturers Association, 203-205, Kirti Deep Building, Nangal Raya Business Centre, New Delhi-110 046.	Member
13.	President, Tractor Manufacturers Association, 23, 26 Institutional Area, Lodhi Road, New Delhi-110 003.	Member

14. Shri R.S.S.L.N. Bhaskarudu,  
Managing Director,  
Maruti Udyog Ltd.,  
Jeevan Prakash, 11th Floor,  
25, Kasturba Gandhi Marg,  
New Delhi-110 001. Member
15. Shri C.K. Birla,  
Senior President,  
Hindustan Motor and General Motors India Ltd.,  
9/1, R. N. Mukherjee Road,  
Calcutta-700 001. Member
16. Shri Maitreya V. Doshi,  
Managing Director,  
Premier Automobiles Ltd.,  
L.B.S. Marg, Kurla,  
Mumbai-400 070. Member
17. Shri Rahul Bajaj,  
Chairman and Managing Director,  
Bajaj Auto Ltd., Mumbai-Pune Road,  
Akurdi,  
Pune-411035 Member
18. Shri Anand Mahindra,  
Chief Executive Officer,  
Ford Cars and Tractors,  
Gateway Building, Apollo Bunder,  
Mumbai-400 001. Member
19. Shri Venu Srinivasan,  
Managing Director,  
TVS-Suzuki Ltd.,  
Jayalakshmi Estate,  
8, Haddows Road,  
Madras-600 006. Member
20. Shri S.K. Bhargava,  
Chairman,  
Eicher Motors Ltd.,  
Eicher House,  
12, Commercial Complex,  
Greater Kailash (Masjid Moth),  
New Delhi-110 048. Member
21. Shri S.G. Awasthi,  
Managing Director,  
Daewoo Motors (India) Ltd.,  
F-Block, S-2, Upper Ground Floor,  
International Trade Tower,  
Nehru Place,  
New Delhi-110 019. Member
- C. Persons not belonging to any of the aforesaid categories, who are capable of representing the interests of consumers of goods manufactured or produced by the scheduled industry :
22. Executive Director  
Association of State Road Transport Undertakings,  
7/6, Sirifort Institutional Area,  
Khel Gaon Marg,  
New Delhi-110 049. Member

## 23. Joint Secretary (Automobiles),

Department of Industrial Policy and Promotion,  
Ministry of Industry,  
Udyog Bhavan,  
New Delhi.

Member Secretary

2. In pursuance of clause (c) of rule 2 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints the Joint Secretary (Automobiles), Department of Industrial Policy and Promotion Ministry of Industry, New Delhi to carry on the functions of the Secretary to the said Development Council.

[No. 7(8)/96-AEJ]

Mrs. PRATIBHA KARAN, Jt. Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 5 जनवरी, 1998

का०ग्रा० 182.—केन्द्रीय सरकार, नियर्त (क्षात्रियों विनियन और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोटर इंडस्ट्रीज कंपनी लिमिटेड, हौसूर रोड, अदुगोदी, बैंगलूरु-560030 में विनियमित डिजल इंजिन के पुर्जों और संबंधित अर्थात् फ्यूल इंजेक्शन पम्पम्, प्रॅतीमेट्स एंड डीलीवरी वाल्व्स का नियर्त से पूर्व निरीक्षण करने के लिए मैसर्स मोटर इंडस्ट्रीज कंपनी लिमिटेड को जिनवा० रजिस्ट्रीकृत कार्यालय हौसूर गेड, अदुगोदी, बैंगलूरु-560030 में है को 16 मई, 1997 से तीन और वर्षों की अवधि के लिए का०ग्रा० 1478 तारीख 16 मई, 1981 से अधिसूचित शर्तों के अधीन रहते हुए, अधिकारण के रूप में गान्धी देती है।

[फा० सं० 5/30/97-इ आई प०ड ई पी]  
प्रभु दाम, निदेशक

at M/s. Motor Industries Company Limited  
Hosur Road, Adugodi, Bangalore-560030,  
prior to export, subject to the conditions notified vide S.O. 1478 dated 16th May, 1981.

(F. No. 5/30/97-EI&EP)  
PRABH DAS, Director

मानव संसाधन विकास मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 13 जनवरी, 1998

का. आ. 183 :—भारत सरकार, मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के दिनांक 28 नवंबर, 1996 की अधिसूचना सख्ता का. आ. 832 (अ) की अनुसूची “ब” के अधीन प्रकाशित राष्ट्रीय संस्कृति निधि परिषद् में निम्नांकित मदर्सों (पदेन) को उनके नाम के आगे दशथी गयी तिथियों से नामत करती है:

- |  |                  |
|--|------------------|
| 1. श्री पी. आर. दासगुप्ता                  | 23 अक्टूबर, 1997 |
| नान्दन, भारत सरकार<br>संस्कृति विभाग       |                  |
| 2. श्रीमती कम्तुरी गुप्ता मेनन             | 20 अक्टूबर, 1997 |
| संयुक्त सचिव, भारत सरकार<br>संस्कृति विभाग |                  |
| 3. श्री सुशीर नाथ                          | 20 अक्टूबर, 1997 |
| वित्त सलहकार<br>मानव संसाधन विकास मंत्रालय |                  |

और उपरोक्त उद्देश्य के लिए, भारत सरकार, मानव संसाधन विकास मंत्रालय (संस्कृति विभाग) के दिनांक 21 मार्च, 1997 की अधिसूचना सख्ता का. आ. 229 (अ) में निम्नांकित संशोधन करती है, नामतः

## MINISTRY OF COMMERCE NOTIFICATION

New Delhi, the 5th January, 1998

S.O. 182.—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of three years with effect from 16th May, 1997 M/s Motor Industries Company Limited, having their registered office at Hosur Road, Adugodi, Bangalore-560030, as the agency, for inspection of diesel engine spares and components namely Fuel Injection Pumps, Elements and Delivery Valves, manufactured

दिनांक 21 मार्च, 1997 की उक्त अधिसूचना में, क्रम संख्या 2, 3 और 4 और उनसे संबंधित प्रविष्टियों के स्थान पर निम्नांकित क्रम संख्याएँ एवं प्रविष्टियाँ रखी जाएंगी :—

नामतः

“ 2. श्री पी. आर. दासगुप्ता सचिव, भारत सरकार संस्कृति विभाग	मदस्य (पदेन)
3. श्रीमती कस्तुरी गुप्ता मेनोन संयुक्त सचिव, भारत सरकार संस्कृति विभाग	सरस्य (पदेन)
4. श्री सुधीर नाथ वित्त सलाहकार मानव संसाधन विकास मंत्रालय [सं. एफ. 6-8/96-स्पेशल सेल] विजय कुमार, अवर सचिव	मदस्य (पदेन)"

**MINISTRY OF HUMAN RESOURCE  
DEVELOPMENT**  
(Department of Culture)

**NOTIFICATION**

New Delhi, the 13th January, 1998

S.O. 183:—In pursuance of paragraph 7 of the National Culture Fund Scheme, 1996 published under Schedule 'B' of the notification of the Government of India in the Ministry of Human Resource Development Department of Culture, number S.O. 832(E), dated the 28th November, 1996, the Central Government hereby nominates the following Members (ex-officio) on the Council of the National Culture Fund on and from the date indicated against each :

1. Shri P.R. Dasgupta 23rd October, 1997  
Secretary to the Government of India  
Department of Culture.
2. Smt. Kasturi Gupta Menon 20th October, 1997  
Joint Secretary to the Government of India.  
Department of Culture.
3. Shri Sudir Nath 20th October, 1997  
Financial Adviser  
Ministry of Human Resource  
Development.

and for the said purpose makes the following amendments in the notification of the Government of India in the Ministry of Human Resource Development (Department of Culture) number S.O. 229(E), dated the 21st March, 1997, namely :—

In the said notification dated the 21st March, 1997, for serial numbers 2, 3, and 4 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely :—

- |  |  |
|--|--|
| “2. Shri P.R. Dasgupta<br>Secretary to the Government<br>of India<br>Department of Culture.            | Member<br>(Ex-officio)   |
| 3. Smt. Kasturi Gupta Menon<br>Joint Secretary to the<br>Government of India<br>Department of culture. | Member<br>(Ex-officio)   |
| 4. Shri Sudir Nath<br>Financial Adviser<br>Ministry of Human Resource<br>Development                   | Member<br>(Ex-officio)"<br>[No. F. 6-8/96-Spl. Cell]<br>VIJAY KUMAR, Under Secy. |

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

अधिसूचना

नई विली, 6 जनवरी, 1998

का. आ. 184 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के अधीनस्थ मरकारी क्षेत्र के उपकरणों के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारी बृद्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

आयल एण्ड नेचुरल गैस कार्पोरेशन

1. आयल एण्ड नेचुरल गैस कार्पोरेशन  
पश्चिमी क्षेत्र व्यापार केन्द्र कार्यालय  
बड़ौदा।

2. कोचीन रिफाइनरीज लि.  
ग्रन्डसमुगल (केरल)
- हिन्दुस्तान पेट्रोलियम कार्पोरेशन लि.
3. प्रसारवा डिपो  
न्यू स्वदेशी मिल के सामने  
नरोडा रोड, अहमदाबाद।
4. नलिया ए.एस एफ, हाईड्रेन एग्रर फॉर्म  
नलिया—370655 (गुजरात)
5. कोयाली टी पी पी, गुजरात रिफाइनरीज  
आकधर-जवाहरनगर, जिला-बड़ीना—391320
6. पुणे डिपो,  
1, आर बी एम रोड  
पुणे—01
7. नागपुर थोकीय कार्यालय,  
पीस्ट बाक्स नं.—8, दूसरा माला  
ग्रोरिएन्टल बिल्डिंग, सरदार बलभ भाई पटेल मार्ग  
नागपुर—440 001
8. खापरी एल पी जी संयंक  
एल पी जी बाटलिंग ब्लॉड  
खापरी रेलवे स्टेशन के निकट  
नागपुर—440 003
9. खापरी डिपो  
बधी रोड, नागपुर
10. एल पी जी बाटलिंग ब्लॉड  
मंगलिया रेलवे स्टेशन के सामने  
मंगलिया, जिला-इंदौर—453771 (म. प्र.)
11. बलक स्टोरेज डिपो,  
मेनारा याडी, गत्ताम (म. प्र.)
12. जबलपुर ल्यूब डिपो  
रेलवे स्टेशन के पास  
जबलपुर (म. प्र.)
13. पी ओ एल डिपो  
मांगलिया गांव, इंदौर
14. मतना आई आर डी  
जिला-सतना-485001
15. प्रबंधक, समन्वयक कार्यालय  
गेल परिसर, विजयपुर  
जिला-गुना (म. प्र.)
16. सागर आई आर डी  
सागर (म. प्र.)
17. रायझ डिपो,  
ग्रालियर (म. प्र.)

[संख्या 11011/1/96-98-हिन्दी]  
कृष्ण कान्त भा, उप निदेशक (रा. भा.)

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 6th January, 1998

S.O. 184 —In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the control of the Ministry of Petroleum and Natural Gas, the 80 percent staff whereof have acquired working knowledge of Hindi :—

### Oil and Natural Gas Corporation

1. Oil and Natural Gas Corporation  
Western Region Business Centre Office  
Baroda.

### Cochin Refineries Ltd.

2. Cochin Refineries Ltd.  
Ambalamugal (Kerala),

### Hindustan Petroleum Corporation Ltd.

3. Asarba Depot  
Infront of New Swadeshi Mill  
Naroda Road, Ahmedabad.
4. Nalia ASF  
Indian Air Force  
Nalia-370655 (Gujarat).
5. Koyali TOP  
Gujrat Refinery, Post Office-Jawahar Nagar,  
District : Baroda-391320.

6. Pune Depot,  
1. R.B.M. Road,  
Pune-1.

7. Nagpur Regional Office  
Post Box No. 8, Second Mala,  
Oriental Building,  
Sardar Vallabh Bhai Patel Marg,  
Nagpur-440001.

8. Khapri LPG Plant,  
LPG Bottling Plant,  
Near Khapri Railway Station,  
Nagpur-440003.
9. Khapri Depot  
Vardha Road, Nagpur.
10. LPG Bottling Plant,  
Infront of Mangliya Railway Station,  
Mangliya, District : Indore-453771 (MP).
11. Bulk Storage Depot,  
Saylara Yard,  
Ratlam (MP)
12. Jabalpur Lube Depot,  
Near Railway Station,  
Jabalpur (MP).
13. POL Depot,  
Mangliya Village, Indore.
14. Satna I.R.D.  
District : Satna-485001.
15. Manager,  
Co-ordinating Office,  
GAIL Complex,  
Vijaipur,  
District : Guna (MP).
16. Sagar IRD,  
Sagar (MP).
17. Rairu Depot,  
Gwalior (MP).

[No. 11011/1/96-98—Hindi]  
K. K. JHA, Dy. Director (OL)

स्वास्थ्य और परिवार कल्याण भवितव्य

( स्वास्थ्य विभाग )

नई दिल्ली, 7 जनवरी, 1998

का०आ० 185.—भारतीय आयुर्विज्ञान परिषद् अधिकारियम 1956 (1956 का 102) की धारा 20 की उपाधार, (1) के अनुसरण में केन्द्र सरकार उन्नदार

डॉ. डलगुँको० बेलोकर, डीन, गोवा मेर्डिकल कालेज, गोवा को डॉ. ए. माणस० यादव के स्थान पर 16-10-2001 तक स्नातकोन्नर आयुर्विज्ञान शिक्षा समिति द्वारा एक महसूस के रूप में नियुक्त करती है और भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना संख्या का०आ० 3049, दिनांक 17-10-1996 में और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “केन्द्र सरकार द्वारा नामित” शब्दिका के अधीन त्रिम संख्या और उसमें संबंध प्रविष्टि के स्थान पर निम्ननिर्दिष्ट त्रिम संख्या और प्रविष्टि ग्रन्थी जाएगी, अर्थात् :—

“6. डॉ. डलगुँको० बेलोकर,

डीन,

गोवा मेर्डिकल, कालेज, गोवा

[म० वी० 11013/6/95-एम०ई० (य००जी०)]

म०म०को० मित्रा, डैम्क अधिकारी

पात्र घटपत्र :— सुख्य अधिसूचना भारत के गजपत्र में दिनांक 17-10-1996 की अधिसूचना संख्या का०आ० 3049 के द्वारा प्रकाशित की गई थी।

## MINISTRY OF HEALTH AND

### FAMILY WELFARE

(Department of Health)

### NOTIFICATION

New Delhi; the 7th January, 1998

S.O. 185.—In pursuance of sub-section (1) of section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby appoints Dr. W. K. Belokar, Dean, Goa Medical College, Goa to be a member of the Post Graduate Meoical Education Committee upto 16th October, 2001 in place of Dr. S. S. Yadav and makes the following further amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 3049 dated 17th October, 1996, namely :—

In the said notification, under the heading "Nominated by the Central Government" for serial number 6 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

"6. Dr. W. K. Belokar,  
Dean,  
Goa Medical College,  
Goa."

[No. V. 11013/6/95-ME(UG)]

S. K. MISHRA, Desk Officer

**Foot Note.—**The Principal notification was published in the Gazette of India, vide notification number S.O. 3049, dated 17th October, 1996.

नई दिल्ली, 7 जनवरी, 1998

का०आ० 186.—भारतीय आयुविज्ञान परिषद् अधिनियम, 1956 की धारा 20 की अधारा (1) और (3) के अनुसरण में केवल सरकार एवं द्वारा भारतीय आयुविज्ञान परिषद् द्वारा अपने सदस्यों में से निर्वाचित डा० एम०आ० मोरालीहल्ली, 1990 एम०सी०वी०, "ए" ब्लॉक, देवांगीर-577004, कर्नाटक को 16-10-2001 तक स्नातकोत्तर आयुविज्ञान शिक्षा समिति के एक सदस्य के रूप में नियुक्त करती है और भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना संख्या का०आ० 3049, दिनांक 17-10-1996 में और मंशोदात करती है, अर्थात् :—

इस अधिसूचना में "भारतीय आयुविज्ञान परिषद् द्वारा निर्वाचित" शीर्षक के अधीन क्रम संख्या 1 और उसमें संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्ट रखी जाएगी, अर्थात् :—

"1. डा० एम० आर० मोरालीहल्ली,  
1990, एम०सी०वी०;  
ए ब्लॉक,

देवांगीर-577004  
कर्नाटक"

[म. श्री 11013/6/95-एमई ( श. जी )]  
एस. के. मिश्रा, डेस्क अधिकारी

**पाठ विषय :—**मूल्य अधिसूचना भारत के राजपत्र में दिनांक 17-10-1996 की अधिसूचना मेंथा का, आ० 3049 के द्वारा प्रकाशित की गई श्री।

New Delhi, the 7th January, 1998

**S.O. 186.—**In pursuance of sub-sections (1) and (3) of Section 20 of the Indian Medical Council Act, 1956, the Central Government hereby appoints Dr. S. R. Maralihalli, 1990, M.C.C. 'A' Block, Davanogere-577004, Karnataka elected by the Medical Council of India from amongst its members to be a member of the Post Graduate Medical Education Committee upto 16th October, 2001 and makes the following further amendment

in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 3049 dated the 17th October, 1996, namely:—

In the said notification, under the heading "Elected by the Medical Council of India" for serial number 1 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

"1. Dr. S. R. Maralihalli,  
1990, M.C.C.,  
A Block,  
Davangere-577 004,  
Karnataka."

[No. V. 11013/6/95-ME(UG)]  
S. K. MISHRA, Desk Officer

**Foot Note.—**The Principal notification was published in the Gazette of India vide notification No. S.O. 3049 dated 17th October, 1996.

कृषि मंत्रालय

रेल मंत्रालय

(कृषि और महकारी विकास विभाग )

(रेलवे बोर्ड)

नई दिल्ली, 14 जनवरी, 1998

आदेश

का. आ. 187.—राष्ट्रीय महकारी विकास निगम अधिनियम, 1962 (1962 की सं. 26) के खण्ड (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा राष्ट्रीय सहकारी विकास निगम के परामर्श से केन्द्रीय सरकार श्री पी. के. मिश्रा, आई.ए.एस. (उत्तर प्रदेश: 72) को 5900-6700 रुपये (पूर्व संशोधित) के बेतनमान में राष्ट्रीय महकारी विकास निगम के प्रबन्ध निदेशक के पद पर नियुक्त करती है जिनका कार्यकाल, आमतौर से पदभार ग्रहण करने को तिथि में 5 वर्ष तक या आगामी आदेशों तक, दोनों में से जो भी पहले हो, होगा।

[सं. एल-13011/3/98-प्र. आई. पी.]

अमर चन्द, अवर सचिव

नई दिल्ली, 30 अप्रैल, 1997

का. आ. 188.—वर्ताठ कार्मिक अधिकारी मंडल वाणिज्य प्रबंधक एवं वाणिज्य प्रबंधक को, बोर्ड के दिनांक 16-8-96 के पत्र सं. ई (जी) 82 एल 2-2 (ए) एवं ई (जी) 82 एल एल 2/2 (ली) में अन्तर्धान अनुभूति में अपशः मद सं. 88, 89 एवं 90 के रूप में शामिल किया जाए।

[सं. ई (जी) 82 एल एल 2-2]

पी. चट्टर्जी, संयुक्त निवे. स्था. (सा.)

## MINISTRY OF AGRICULTURE

(Department of Agricultural and Cooperation)

New Delhi, the 14th January, 1998

S.O. 187.—In exercise of powers conferred by Section 8(1) of the National Cooperative Development Corporation Act, 1962 (No. 26 of 1962), the Central Government in consultation with the National Cooperative Development Cooperation, hereby, appoints Shri P. K. Mishra, IAS (UP:72), as Managing Director of National Cooperative Development Corporation, New Delhi, in the pay scale of Rs. 5900—6700 (Pre-revised) for a normal tenure of five years from the date of assumption of charge of the post or until further orders, whichever event occurs earlier.

[F. No. L-13011/3/98-SIP]

AMAR CHAND, Under Secy.

## MINISTRY OF RAILWAYS

(Railway Board)

## ORDER

New Delhi, the 30th April, 1997

S.O. 188.—Senior Personnel Officer, Divisional Commercial Manager & Commercial Manager may also be included in the schedule contained in Board's letter No. E(G)82 LL 2-2(A) & E(G)82 LL 2-2(B) dated 16th August, 1996 as Item No. 88, 89 & 90 respectively.

[No. E(G)82 LL 2-2]

P. CHATTERJEE, Jt. Director/

Establishment (Genl.)

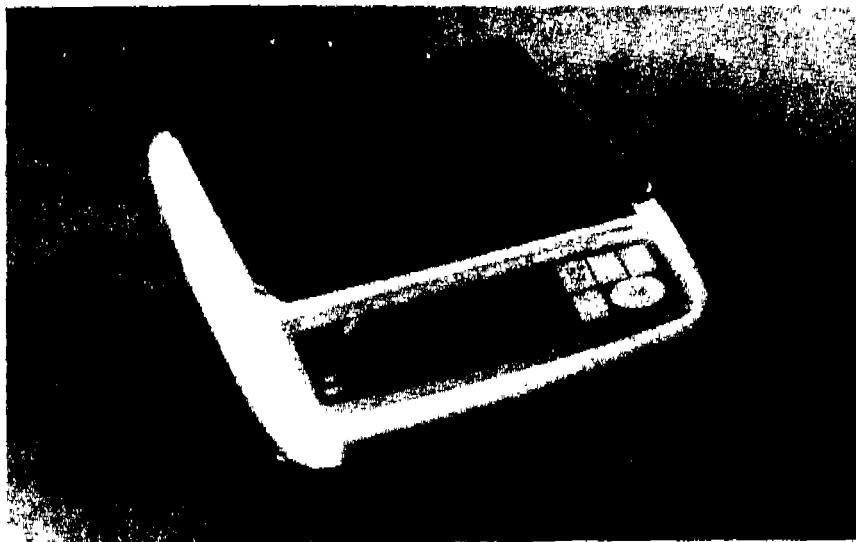
## खाद्य और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 9 जनवरी, 1998

का. आ. 189.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में बर्णित माडल बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि अविरत उपयोग की अवधि में यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II के (उच्च) यथार्थता वाली “इ के” श्रृंखला टाइप की स्वयं सूची अस्वचालित इलैक्ट्रॉनिक टेबल टाप तुला यंत्र के माडल का जिसका ब्रांड नाम “ऐफको सेट” है (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स आम्बे वर्मा ट्रैडिंग कार्पोरेशन, सं. 2, कानूनी ग्राम मार्ग, कन्जूर मार्ग (ई) मुम्बई-400042 द्वारा किया गया है और जिसे अनुमोदन विहन आई. एन. डी./09/97/39 समुद्रेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल (आकृति देखिए) मध्यम यथार्थता (यथार्थता वर्ग II) का तुला यंत्र है, जिसकी अधिकतम क्षमता 2 किलोग्राम और न्यूनतम क्षमता 5 ग्रा. है। सत्यापन मापमान अन्तर (ई) 100 मि. ग्रा. है। इसमें एक अधियतुलन युक्ति है जिसका शातप्रतिशत व्यक्तिनात्मक धारित प्रभाव है। उद्धभार ग्राही आयताकार है जिसकी भुजाएं 133 × 170 मिलीमीटर हैं। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 220 वोल्ट 50 हर्टज आवृति पर प्रत्यावर्ती धारा विद्युत प्रदाय द्वारा प्रचालित एसी/एडोप्टर पर कार्य करता है।

इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धान्त, डिजाइन और सामग्री जिससे अनुमोदित माडल का विनिर्माण किया गया है के अनुसार इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले 120 ग्राम/10 मिलीग्राम, 200 ग्राम/10 मिलीग्राम, 1200 ग्राम/0.1 ग्राम और 12 किलोग्राम/1 ग्राम की अधिकतम क्षमता वाले तुलन यंत्र भी हैं।

[फा. सं. डब्ल्यू एम - 21(81)/98]

राजीव श्रीवास्तव, अपर सचिव

## MINISTRY OF FOOD AND CONSUMER AFFAIRS

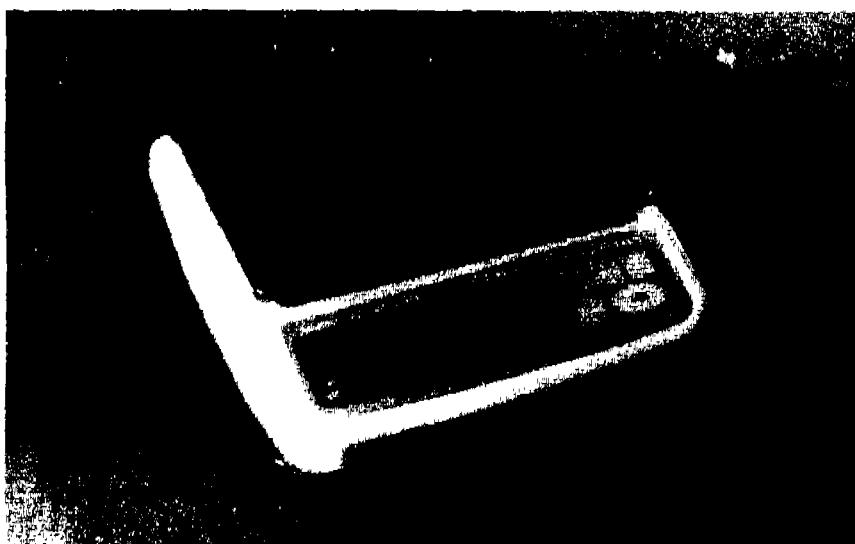
(Department of Consumer Affairs)

New Delhi, the 9th January, 1998

**S.O. 189.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic table top weighing machine of type "EK" series of class II (high) accuracy and with brand name "AFCOSET" (hereinafter referred to as the Model) manufactured by M/s Bombay Burmah Trading Corp., No. 2, Kanury Village Road, Kanjur Marg, (E), Mumbai-400042, and which is assigned the approval mark IND/09/97/39;

The Model (given in the figure) is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 2kg and minimum capacity of 5g. The varification scale interval ( $\epsilon$ ) is 100mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular cross section of sides 133 X 170 millimetre. The LCD display indicates the weighing result. The instrument operates with 220 volts and frequency 50 Hertz alternate current power supply AC adaptor;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 120g/10mg, 200g/10mg, 1200g/0.1g and 12kg/1g manufactured by the same manufacture in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM-21 (81)/96]

RAJIV SRIVASTAVA, Addl. Secy.

## श्रम मंत्रालय

नई दिल्ली, 26 दिसंबर, 1997

का.आ. 190.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वै.सी.एल. के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निश्चिप्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार ओर्डोरिंग अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशि करती है, जो केन्द्रीय सरकार को 26-12-97 को प्राप्त हुआ था।

[ल-19012/36/81-डी I(बी)/आईआर(सीआई)]  
सनातन, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 26th December, 1997

S.O. 190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C.L. and their workmen, which was received by the Central Government on 26-12-1997.

[No. L-19012/36/81-D.IV (B)/IR (C-I)]  
SANATAN, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

## PRESENT:

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947  
Reference No. 175 of 1987

## PARTIES :

Employees in relation to the management of Mohanpur Colliery of M/s. E.C. Ltd. and their workmen.

## APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—None.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 15th December, 1997

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 had referred the following dispute to the then Central Government Industrial Tribunal No. III, Dhanbad (now shifted to Asansol) vide Ministry's Order No. L-19012/36/81-D.IV (B), dated, the Nil. Subsequently vide Ministry's Order No. S-11025/3/86-D.IV (B), dated, the 24th June, 1987 the said reference was transferred to this Tribunal. But the schedule is not stated in the above transfer letter.

2. Soon after the receipt of the above transfer letter from the Ministry in this Tribunal notices were duly served upon the parties. But none of the parties turned up nor took any steps. Then again notices were served upon the both parties. But despite of the issuance of notices to them they neither turned up nor took any steps. It therefore leads me to an inference that there is no dispute existing between the parties. In the circumstances I have no alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

64 GI/98-5

नई दिल्ली, 26 दिसंबर, 1997

का.आ. 191.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वै.सी.एल. के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निश्चिप्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार ओर्डोरिंग अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-97 को प्राप्त हुआ था।

[स. एल-12012/135/95-आईआर (बी-II)]  
मनातन, डेस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-12-1997.

[No. L-12012/135/95-IR (B-II)]  
SANATAN, Desk Officer

## ANNEXURE

## BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Wednesday, the 10th day of December, 1997

## PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.  
Industrial Dispute No 88 of 1996

(In the matter of the dispute for reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Allahabad Bank, Madras)

## BETWEEN

The workmen represented by  
General Secretary,

Allahabad Bank Staff Union,  
115, Angappa Naicken St.,  
1 Fl. Madras.

## AND

Regional Manager,  
Allahabad Bank, Regional Office,  
Vairam Complex, T. Nagar,  
Madras.

## REFERENCE :

Order No. L-12012/135/95-IR (B-II), Ministry of Labour, dated 9-9-96, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Mr. G. Venkataraman and C. Ravichandran, Advocates appearing for the management, upon perusing the reference, claim statement and other material papers on record, and the petitioner being absent, this Tribunal passed the following

## AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Allahabad Bank is not regularising the services of Sri Y. Srinivasulu as Peon-cum-farrash is justified? If not, to what relief he is entitled?"

Petitioner called absent. Dismissed for default.  
Dated, this the 10th day of December, 1997.

THIRU S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 29 दिसम्बर, 1997

का.आ० 192.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण बीकानेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-97 को प्राप्त हुआ था।

[सं.एल-12012/143/96/आई.आर.(बी-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 29th December, 1997

S.O. 192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bikaner as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 26-12-1997.

[No. L-12012/143/96-IR (B-II)]  
SANATAN, Desk Officer

अनुबन्ध

केन्द्रीय ओद्योगिक न्यायाधिकरण, बीकानेर

नं. मु. केन्द्रीय अधि. वि.प्रसंग सं. 3 सन् 1997

सोहनलाल पारीक

प्रार्थी/श्रमिक

बनाम

पंजाब नेशनल बैंक, श्री गंगा नगर

अप्रार्थी/नियोजक

प्रसंग अंतर्गत धारा 10(1)(घ), ओद्योगिक विवाद  
अधिनियम, 1947

न्यायाधीश : श्री गुलाम हुसैन, आर.एच.जे.एस.

अधिनियम

दिनांक 28 अक्टूबर, 1997

श्रम मंत्रालय, भारत सरकार ने ओद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (घ) एवं उपधारा (2-ए) के अंतर्गत जारी अधिसूचना क्रमांक एल. 12012/143/96/आई.आर.(बी-II) दिनांक 14-5-97 के द्वारा प्रेरित इस प्रसंग के अंतर्गत निम्न विवाद अधिनियम द्वारा इस न्यायाधिकरण में भेजा था :—

Whether the action of the management of the then New Bank of India and now Punjab National Bank, Sriganganagar is justified in terminating the services of workman Shri Sohan Lal Pareek w.e.f. 04-11-92 in violation of Section 25F of the I.D. Act, 1947 as the workman was not paid notice pay in lieu of notice of one month and retrenchment compensation though completed more than 240 days of service w.e.f. 6-11-91 to 04-11-92 at Branch Buchawas district Churu? If not, to what relief the workman is entitled?

2. प्रसंग प्राप्त होने पर श्रमिक को नोटिस दिया गया, जिसकी उस पर तारीख हो गई। परन्तु, वह व्यसक बावजूद न तो उपस्थित आया और न उसकी ओर से कलेम पेश हुआ है इससे विदित होता है कि अब श्रमिक एवं नियोजक के मध्य कोई विवाद नहीं का यह अधिनियम जारी किया जाता है जो प्रकाशनार्थ केन्द्रीय सरकार को भेजा जाये।

3. आज्ञा आज दिनांक 28-10-97 को सरे इजलास लिखाई व सुनाई जाकर हस्ताक्षरित की गई।

गुलाम हुसैन, न्यायाधीश

नई दिल्ली, 29 दिसम्बर, 1997

का० आ० 193.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भूनाइटेड कमरिशल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-97 को प्राप्त हुआ था।

[सं.एल-12012/407/91/आई.आर.(बी-II)]  
सनातन, डैस्क अधिकारी

New Delhi, the 29th December, 1997

S.O. 193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of United Commercial Bank and their workman, which was received by the Central Government on 26-12-1997.

[No. L-12012/407/91-IR (B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

#### INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

#### PRESENT :

Sri M. R. Behera, O.S.J.S., (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar  
Industrial Dispute Case No. 9 of 1992 (Central)

Bhubaneswar, the 15th December, 1997

#### BETWEEN

The management of M/s. United Commercial Bank, Divisional Office, Akhand, 107, Suryanagar, Bhubaneswar. .First Party-Management

#### AND

Their workman Sri Sitaram Rath, represented through President, UCO Bank Employees' Association Orissa.

C/o. UCO Bank Zonal Office, C-2, Unit-II, UCO Bank Building, Ashok Nagar, Bhubaneswar-9.  
.Second Party-workman

#### APPEARANCES :

Sri Nilakantha Panda, Asstt. Chief Officer (P & A)—for the First Party-management.

Sri P. Pappa Rao, President of the Association—for the Second Party-workman.

Sri Sitaram Rath,

## AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-12012/407/91-IR (B-II) dated 25-3-1992 :

"Whether the action of the management of UCO Bank in terminating the services of Sri Sitaram Rath is justified. If not, to what relief is the workman entitled to?"

2. A joint petition has been filed by the workman Sitaram Rath and the authorised representative of the management Sri Nilakantha Panda that the parties have settled their dispute as per the terms embodied in the memorandum of settlement in form-H.

3. The workman was asked about the settlement arrived between him and the management, the workman echoed the terms of the settlement reflected in Form-H. This echoing of the terms of the settlement by the workman is suggestive of the fact that the workman has understood the terms of the settlement. The terms of the settlement *prima facie* seemed not unfair. This Tribunal finds no reason not to accept the settlement. In furtherance of justice equity the settlement is accepted. Accordingly, an Award is passed in terms of the settlement which do form part of the Award.

Dictated and corrected by me.

M. R. BEHERA, Presiding Officer

## FORM II

(See Rule 58)

## FORM FOR MEMORANDUM OF SETTLEMENT BETWEEN THE MANAGEMENT OF UCO BANK AND WORKMAN SRI SITARAM RATH SIGNED THIS 15TH DAY OF NOVEMBER, 1997

Name of Parties :

Representing the employer :

(1) Divisional Manager, UCO Bank,  
Bhubaneswar.

Representing the workman :

(1) Sitaram Rath, workman.  
(2) P. Papa Rao, workman-Representative.

## SHORT RECITAL OF THE CASE

A dispute having arisen between the parties above named on the basis of a complaint raised by the workman relating to alleged termination of services, the same was referred to the Presiding Officer, Industrial Tribunal, Bhubaneswar, being the subject matter of adjudication in the I. D. Case No. 9/92 (Central). Since both the parties took divergent stands and the matter remained pending for quite some time, on the advise of the well wisher, both parties have had mutual discussions for reaching an amicable resolution of the dispute out of Court. After several rounds of discussions, both parties have reached the agreement on the following :

## TERMS OF SETTLEMENT

(1) That, both parties agree that the workman Sri Sitaram Rath will be reinstated for all purposes as Part time Sweeper on 1/3rd scale wages in any suitable vacancy at any branch/office of the

bank within the State of Orissa/District of Ganjam and will not claim benefit for his past services, in any manner whatsoever.

- (2) That, the workman agrees not to claim any back wages or benefits from the employer/management relating to his past employment under the bank.
- (3) That, it is agreed that the reinstatement of the workman Sri Rath will have no relation to his past employment as a temporary part time sweeper on consolidated wages.
- (4) That, it is agreed that Sri Rath shall have no further claim against the management in respect of the case pending before Presiding Officer, Industrial Tribunal, Bhubaneswar in I. D. Case No. 09/92 (Central).
- (5) That both parties agreed that with the signing of this settlement, appropriate joint Petition signed by the parties shall be filed before the Industrial Tribunal in the aforesaid case praying for disposal of the reference in terms of this settlement.
- (6) That, both parties agree that this settlement is fair, reasonable and in the best interest of the litigating parties and have been reached without any threat, coercion or undue influence.
- (7) That, after such reinstatement, Sri Rath shall be subjected to be governed by the Bank's terms and conditions as applicable.
- (8) In case this reference is not disposed of in terms of this settlement, the respective rights and contentions of parties shall not be prejudiced in any manner by the above terms and conditions and averments and is not to be treated as amounting to submission of waiver or respective positions of parties in any manner.

Dated, this 15th day of November, 1997.

Signature of the parties :

Representing the employer :

- (1) Divisional Manager,  
UCO Bank.
- (2) Divisional Office,  
Bhubaneswar.

Representing the workman :

- |   |            |
|---|------------|
| (1) Sita Ram Rath workman               | 15-12-1997 |
| (2) P. Papa Rao workman representative. | 15-12-1997 |

Witness :

- (1) Nilakantha Panda, UCO Bank, Zonal Office  
Bhubaneswar.
- (2) Ahumbanathan UCO Bank Zonal Office, Bhubaneswar.

नई दिल्ली, 31 दिसम्बर, 1997

का.आ. 194.—ओदिशा विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतात्रे के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुग्रह में निविष्ट ओदिशा विवाद में ओदिशी अधिकारण भुवनेश्वर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-12-97 को प्राप्त हुआ था।

[सं. एल-12012/286/91-आई.आर.(बी-II)]

सनातन, दैस्क अधिकारी

New Delhi, the 31st December, 1997

S.O. 194.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 31-12-97.

[L-12012/286/91-IR (B-II)]  
SANATAN, Desk Officer

### ANNEXURE

#### INDUSTRIAL TRIBUNAL : ORISSA BHUBANESWAR :

##### PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch),  
Presiding Officer, Industrial Tribunal,  
Orissa, Bhubaneswar.

Industrial Dispute Case No. 41 of 1991  
(CENTRAL)

Dated, Bhubaneswar, the 22nd December, 1997.

##### BETWEEN :

The management of Banking Service  
Recruitment Board,  
A/171, Sahidnagar, Bhubaneswar.

&

Punjab National Bank,  
116, Station Square, Bhubaneswar.  
....First Party managements.

(AND)

Their Workman Smt. Sanjukta Mishra,  
represented through All Orissa  
Punjab National Bank Employees' Union,  
Bhubaneswar.

....Second Party Workman.

##### APPEARANCES :

Sri B. B. Das, OIC, Finance —For the Bank  
& Accounts. service Recruitment  
Board.

None —For the Punjab  
National Bank.

Sri. N. Mishra, Vice-President of All Orissa  
Bank Employees' Association. —For the Second  
President of All Orissa Party-workman.

##### AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12012/286/91-IR.B. II dated 11-12-91:

"Whether the action of the management of Banking Service Recruitment Board, Bhubaneswar in reverting Smt. Sanjukta Mishra, Clerk-cum-Cashier, Punjab National Bank, who was on deputation to Banking Service Recruitment Board before expiry of her term is justified ? If not, to what relief the workman is entitled to ?"

2. Smt. Sanjukta Mishra, the second party-workman, represented through the General Secretary, All Orissa Punjab National Bank Employees' Union, filed her claim statement on the averment that;

Sanjukta Mishra joined the Punjab National Bank on 26-9-90 at Gope Branch in the district of Puri. She was sent on deputation to the Banking Service Recruitment Board, first party No. 1 for a period of one year. She joined at Banking Service Recruitment Board, Bhubaneswar on 28-2-91 on the direction of the Punjab National Bank first party No. 2. While working as such, on 22-6-91 she was served with a letter by the Chairman, Banking Service Recruitment Board that she has been reverted back to Punjab National Bank and was further advised not to attend office of the Banking Service Recruitment Board any further. As against this untimely revision, she raised an industrial dispute before the Assistant Labour Commissioner (Central). But, she not having been relieved from the services of the Banking Service Recruitment Board continued to attend the office of the Board till 7th July, 1991 but the management of the Banking Service Recruitment Board did not take cognizance of her attendance. Consequently, she lodged written complaints before the Secretary of the Banking Service Recruitment Board on 2-7-91 and 5-7-91 and from 8-7-91 she continued to despatch her marks of attendance to the Board authorities by furnishing intimation slips 'under certificate of posting'. On 17-7-91 the Regional Manager, Punjab National Bank, Bhubaneswar was apprised that the deputationist is not being allowed to work in the office of the Banking Service Recruitment Board, thereafter by letter dated 7-8-91 of the Punjab National Bank she was advised to join in the Jatni Branch of Punjab National Bank on or before 14-8-91. The Banking Service Recruitment Board is liable to pay the pay and other allowances of Smt. Mishra for the months of June, 1991, July, 1991 and till the 14th August, 1991.

3. Punjab National Bank, first party-management No. 2 (hereinafter described as the 'Bank') filed its written statement on the averment that;

The Chairman, Banking Service Recruitment Board requested to depute Smt. Sanjukta Mishra to utilise her service in the grievance cell of the Banking Service Recruitment Board. After obtaining permission from the higher authorities, on the terms and conditions accepted by the Banking Service Recruitment Board, Smt. Mishra was relieved on 27-2-91 with the instruction to report at the Banking Service Recruitment Board on 28-2-91 for a period of one year with the condition that Smt. Mishra will be paid besides pay, leave L.F.C. and other allowances etc. Surprisingly, on 21-6-91 a letter addressed to the Chairman of Punjab National Bank was received from the Chairman, Banking Service Recruitment Board that services of Smt. Mishra are no more required and she is reverted back to the parent bank from the afternoon of 30-6-91. The Bank requested severally to the Chairman, Banking Service Recruitment Board on the ground that (a) Smt. Mishra was deputed at the endeavour of the Chairman of the Board; (b) Smt. Mishra was deputed to the Board for a year, the term of deputation has not been completed and (c) to obviate the hardship scheduled to be encountered by Punjab National Bank in the event of non-existence of vacancy after filling of the vacancy caused by the deputation of Smt. Mishra. All persuasions of the 'Bank' did not yield any result. At last the 'Bank' directed Smt. Mishra to join at Jatni Branch as an additional hand, the nearest available office to Bhubaneswar.

4. The Banking Service Recruitment Board, first party management No. 1 (hereinafter described as the 'Board') filed its written statement on the averment that:

Smt. Mishra came on deputation to the Board's service from the 'Bank' on her repeated request as well as on the request of the 'Bank'. She was not proved to be useful to the Board, therefore, she was returned back near about four months after her joining in the 'Board'. There cannot be any legitimate grievance nor cause of action for Smt. Mishra as a deputationist.

The salary and other allowances of Smt. Mishra for the month of June, 1991 were paid to her vide office cheque No. 990111 dated 22-7-91 as per the deputation term, the same was returned unserved and is lying with the 'Board'. Since her reversion to 'Bank' was with effect from 23-6-91 afternoon, the payment of salary for the month of July, 1991 is beyond contemplation. She was relieved from the 'Board' on 30-6-91.

5. On these rival contentions of the parties, the following issues have been framed :

#### ISSUES

- (1) Is the reference maintainable ?
- (2) Does there exist master and servant relationship between the workman and Banking Service Recruitment Board ?
- (3) Is the action of the management of Banking Service Recruitment Board, Bhubaneswar in reverting Smt. Sanjukta Mishra, Clerk-cum-Cashier, Punjab National Bank who was on deputation to Banking Service Recruitment Board, before expiry of her term justified ?
- (4) To what other relief the workman is entitled to ?

6. The first party-management No. 2 (Punjab National Bank) though filed its written statement, has not cross-examined the workman. The first party-management No. 1 (Banking Service Recruitment Board) has also not cited any witness on its behalf, but choosed to place argument.

#### ISSUE NO. 3 :

7. To fortify the contention that the deputationist can be withdrawn to the parent department at any time without reserving a right by him/her to the post to which he/she has come on deputation, the representative of the 'Board' placed reliance in para-5 of the citation reported in 1990 Lab. L.C. 889 (Katalil B. Soni and others Vrs. State of Gujarat & others), which reads :

'The appellants being on deputation they could be reverted to their parent cadre at any time and they do not get any right to be absorbed on the deputation post. We see no infirmity in the judgment of the High Court and as such we dismiss the appeal.'

8. Learned representative of the workman distinguished the facts of the cited case by contending that the right of the deputationist for absorption to the cadre was the sole determining factor of the case, but in the case at hand the right to absorption has not been claimed by the workman, on the other hand sending back of the workman to the parent organisation before completion of her period of deputation is the dispute required to be adjudicated upon, for which the citation quoted above is not applicable in the instant case.

9. On a plain reading of the quoted passage with the back drop of this case, unhesitatingly it can be said that a deputationist has no right to continue in the deputation post without the willingness of the concerned authority in which the deputationist is working. On the ratio of the citation quoted above, the sending back of the workman to her parent organisation within four to five months after the workman came on deputation to the 'Board' cannot be said to be an act of illegality committed by the 'Board'.

10. On factual appreciation, after it was settled between the management of Punjab National Bank and Banking Services Recruitment Board that Smt. Mishra will be deputed to the 'Board' for a year from 15-10-90 as evidenced in Ext. 4, vide Ext. 1 the workman (Smt. Mishra) was relieved from the Co-Op Branch of the Punjab National Bank on the afternoon of 27-2-91 with a direction to report at the 'Board' on 28-2-91. Ext. 1 seemed not to have been communicated to the 'Board'. Equally, it has been borne out from Ext. 4/1, a letter from the 'Board' to the Chairman of the 'Bank', New Delhi, Ext. 4/2, a letter to the Chairman of the 'Board' from the Personnel Manager of the 'Bank' and Ext. 4/3 a letter of the 'Board' to the Regional Manager of the 'Bank' that the workman Smt. Mishra has been debarred to attend the office of the 'Board' from the afternoon of 30-6-91 or 26-6-91 (the confusion of the day of relieve has centred round in Ext. 4/4). The act of debarring Smt. Mishra in the aforesaid documents has been understood by both the parties that Smt. Mishra was relieved from the 'Board' in the afternoon on 30-6-91. The letter addressed to Smt. Mishra that she has been relieved from 30-6-91 has also not been communicated by the 'Board' to the 'Bank'. On the facts of this case, non-communication of the relieve order concerning Smt. Mishra to the counterpart can be attributed to be their own practice and procedure governing their office but nevertheless it was obligatory on the part of the workman Smt. Mishra to communicate to her parent deptt. that she has been relieved by the 'Board' with effect from 30-6-91. Though this communication of the workman to the 'Bank', the parent employer, has not been proved, but non-proof of the said communication has no consequential effect owing to the origin of Ext. 4/2, Ext. 4/3, Ext. A and Ext. C. It was expected from the 'Bank' to engage its employee without further correspondence to the 'Board'. An unwilling employer could not have been thrust upon to retain an employee in its roll.

11. As it transpires from Ext. 4/2, the 'Bank' pressed forward before the 'Board' that due to dearthness of existing vacancy, Smt. Mishra cannot be posted in their 'Bank' till the lapse of the period of her deputation. The 'Bank' has not pressed forward any document to show that in fact there existed any handicappenedness at the level of the 'Bank', on the other hand Ext. Y reveals that Smt. Mishra was permanently posted at Jatni branch of the 'Bank'. In this connection, the pleading adopted by the 'Bank' at the last line of Page-3 that Smt. Mishra was posted as an additional hand at B.O., Jatni, nearest to Bhubaneswar has run contrary to Ext. Y.

On the materials on record, the 'Bank' was interested for the posting of Smt. Mishra at Bhubaneswar. The Union was also eager to see the posting of Smt. Mishra at or near Bhubaneswar, which is apparent on a perusal of Ext. B.

12. Smt. Mishra, W.W. No. 1 has said in her evidence that after her work assignment in the grievance cell of the 'Board' she was attached to the Officer, In-charge, Finance of the 'Board' and was further assigned with the job of doing diary and despatch of the letters of the 'Board' besides to attend the conference work. In their pleading the 'Bank' has pleaded in page-2 that Smt. Mishra was deputed to the 'Board' for utilisation of her service in the grievance cell of their organisation. The frequent change of the working environment of Smt. Mishra within a span of four months readwith Ext. A goes to show that the 'Board' was not happy with the working performance of Smt. Mishra. If at all Smt. Mishra had any grievance on the context of Ext. A, she could have communicated to the 'Board' about her positive working performance. In the absence of such materials, the sending back of Smt. Mishra by the 'Board' attributing it to be a relieve order of Smt. Mishra from 30-6-91 cannot be said to have suffered from being unjustified or illegal action of the 'Board'. Thus, Issue No. 3 is answered in favour of the 'Board'.

#### ISSUE NOS. 1 & 2 :

13. This dispute has been raised by the workman Smt. Mishra to settle at 1st the liability of payment of her salary and other allowances for the months of June, 1991, July, 1991 as well as till August 13, 1991. The parent department

of the workman as well as the borrowed department both disown their liability to pay the legal dues of the workman for the said period. The dispute having been centred round between the workman at the one hand and in between both the employers, is an 'industrial dispute' within the scope of Section 2(k) of the Industrial Disputes Act. The existence of the industrial dispute has further fortified that the reference is very much maintainable in this forum. Thus, Issue Nos. 1 and 2 are answered in favour of the second party-workman, Smt. Mishra.

## ISSUE NO. 4 :

14. The plea of the 'Board' that the pay and other allowances of the workman for the month of June, 1991 had been sent to Smt. Mishra which has returned back will not be sufficient in the absence of evidence that the workman refused the cheque containing the postal cover. It was expected from the 'Board' that the pay of the workman for June, 1991 could have been re-sent. In the facts and circumstances of the case, the workman cannot be allowed to suffer for the lapse committed by the 'Board'. Accordingly, the 'Board' is required to pay a compensatory cost of Rs. 2,000/- (Rupees two thousand only) in addition to the monthly wage of June, 1991 of Smt. Mishra within two months from the date of publication of this Award.

The rest of the wages of Smt. Mishra for the month of July '91 as well as for the unpaid period of August '91, even if the workman has not discharged her work, is to be borne by the 'Bank' for having unnecessarily created a dispute with the 'Board' by partitioning the cause of the workman for her posting at Bhubaneswar, a cause not in exigencies of public service. It is expected that the 'Bank' should pay the outstanding dues of the workman within two months from the date of publication of this Award.

The reference is answered and the Award is passed.  
Dictated & corrected by me.

M. R. BEHERA, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 1997

का.आ।. 195.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हॉलिडे वैक एंड प्रबन्धन ट्रैन के संबद्ध नियोजकों और उनके कम्बिकारों के बीच, अनुबन्ध में निविट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंकाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-12-97 को प्राप्त हुआ। था।

[सं. एल-12012/352/91-आई.आर. (वी.-II)]

सनातन, इंस्क अधिकारी

New Delhi, the 31st December, 1997

S.O. 195.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 31-12-1997.

[No. L-12012/352/91-IR (B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU  
MADRAS

Thursday, the 27th day of November, 1997

## PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal  
Industrial Dispute No. 16 of 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Indian Bank Madras-1)

## BETWEEN

The workman represented by

The General Secretary,  
Indian Bank Employees Association,  
115, Angappan Street,  
1st Floor, Madras-600001.

## AND

The General Manager,  
Indian Bank, Head Office,  
31, Rajaji Road, P.B. No. 1384,  
Madras-600001.

## REFERENCE :

Order No. L-12012/352/91-IR (B-II), Ministry of Labour  
dated -2-92, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 11th day of November, 1997, upon perusing the reference claim counter statements and all other material papers on record, upon hearing the arguments of Tvl. D. Harparan-thamān, Advocate appearing for the Petitioner/union and of Tvl. G. Venkataraman, Advocate appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following

## AWARD

This reference has been made for adjudication of the following issue :

"Whether the stoppage of two increments with cumulative effect in respect of Shri T. R. Jeevan, by the Management of Indian Bank Zonal Office, Madras is justified ? If not, to what relief the workman is entitled to?"

2. On service of notice, both the petitioner and the respondent appeared before this Tribunal, and filed their claim and counter statements respectively.

3. The main averments found in the claim statement are as follows :

The workman Shri T. R. Jeevan is an active member of the petitioner-union and was working as Clerk-cum-Shroff at the Vanlambadi branch of the respondent-bank. The said workman was suspended by an order of Zonal Manager dated 20-10-86. On representation from the petitioner-union the suspension of the workman was revoked on 3-1-1987. A charge-sheet was served on 5-2-87. The main charge against the workman was that he temporarily misappropriated a sum of Rs. 1,000 in respect of Cash remitted by a party during the course of business transaction. According to the complaint of the Branch Manager, the workman had ticked all the denominations written on the reverse of the challan, whereas he had not returned the excess cash of Rs. 1,000. Though the customer had actually deposited Rs. 10,000 in the reverse column he had filled up amounts which totalled to Rs. 11,000. But in the column meant for total it was written as Rs. 10,000 only. Enquiry was ordered against the said workman and four witnesses were exami-

ned. Even though one Pattabi who came for the transaction as alleged was never examined during the enquiry proceedings. When the workman insisted for the examination of the said Pattabi, his request was rejected. A co-employee was examined on the side of the workman. On 2-2-1988 a written brief was submitted by the management and the workman submitted his written brief on 25-5-1988. The Enquiry Officer by his report dated 22-6-88 found the workman guilty of the charges. The Disciplinary authority proceed penalty of withholding three increments with cumulative effect and directed the workman to show cause as to why the penalty proposed should not be imposed. Reply was given by workman. Not satisfied with his reply penalty of withholding of two increments with cumulative effect was imposed by the respondent by an order dated 26-10-88. Against the order, an appeal dated 12-12-88 was preferred by the workman to the General Manager who is the appellate authority. The appellate authority rejected the appeal by an order dated 4-2-1989. The petitioner-union took up the cause before the Assistant Commissioner of Labour (Central) by representation dated 14-7-90. Reply dated 28-3-91 was sent by the respondent and a rejoinder dated 10-8-91 was submitted by the petitioner-union. Thereafter a further reply dated 2-9-91 was submitted by the respondent bank. Conciliation officer sent his failure report on 11-10-91 to the Government of India which in turn referred this issue for adjudication. Enquiry conducted against the workman was contrary to the principles of natural justice and reasonable opportunities were denied to him. The prime witness Mr. Pattabi, who was stated to have deposited the alleged excess sum, and was cited as a witness was not examined. All the other witnesses statements are mere hearsay and no reliance could be placed on those depositions. The workman was punished only as a measure of victimisation since he is an active member of the petitioner-union. The tick mark found on the reverse of the voucher was the only basis on which the charge was sought to be proved. The key participant in the said transaction one Pattabi was fully protected by the management in the form of a loan sanctioned to him and also protection from any trouble of being examined as a witness in the enquiry which clearly shows that it was purely an attempt on the part of the respondent bank to fix the workman for collateral purpose by setting up hostile witness to tarnish the image of the workman and victimise him. The respondent bank had failed to note the unblemished record of service of the workman. For saying cash to the tune of several thousands belonging to Karur Vysya Bank the workman had received commendations from the Chairman of the Bank. It is unthinkable that the workman could be charged sheeted on a charge of temporary misappropriation of cash when he had received commendations for his honesty and integrity. Hence the workman had approached the petitioner-union to raise this dispute. There was no legal evidence of the workman having misappropriated the amounts even temporarily. The punishment of withholding of two increments with cumulative effect is totally harsh and unjustified and malafide. The various grounds urged by the workman before the Enquiry Officer as well as in his memorandum of appeal was not properly considered and appreciated by the authorities of the respondent bank in a proper perspective. The petitioner prays to pass an award holding the penalty of withholding two increments with cumulative effect on workman as totally unjustified and direct the respondent bank to restore the same with 12% interest and costs.

4. The main averments found in the Counter statement filed by the respondent are as follows :

It is incorrect to state that the workman is an active member of the petitioner-union. It is the usual

practice of the union to claim the staff member against whom disciplinary action is taken, is an active member of the union, and project the matter as if vindictive action is taken against the member for his union activities. The workman is only a mere Branch Representative and is not an active union leader or office bearer as alleged. The petitioner has claimed that the customer had actually deposited Rs. 10,000 only but had filled in the amount as Rs. 11,000. This was not the point of defence of the workman in the enquiry or in explanation. The contradictory stand of the workman that the extra amount of Rs. 1,000 was directly returned to the party by the staff following usual bank practice and hence it should not be treated as temporary misappropriation, shows that there was indeed an act of commission. The production of witnesses was dispensed with once the management had sufficiently proved its case of temporary misappropriation on the part of the workman. It cannot be claimed by the union that a particular person should be produced as a witness. Production of witness for proving the case solely rests with the discretion of the management. The staff was not prevented by the management to produce the witness of his choice, and the management could not be insisted by the workman to produce the witness of his choice. The union has failed to establish how it could be contended by them that even mere Branch Representative can be considered as active Union Leader though it had repeatedly contended that the action of the management against their member was an act of victimisation because he was an active Union Leader. By repeatedly alleging of victimisation they try to gain sympathy. The respondent denies that the enquiry conducted against the workman was contrary to the principles of natural justice and also that reasonable opportunities were denied to him. It would have been all the more advantageous for the respondent-management to produce the party as a witness against the staff, if it was the intention of the management to trap a member of the petitioner-union by obtaining a false complaint from a party to whom Bank loan was given. The fact of the workman's involvement in misconduct have been amply proved beyond doubt in the subject enquiry. The openness of the management to punish the workman for his misconduct is established as the management had appreciated the same staff for his good conduct. There is no stigma, as the punishment was imposed only on an established misconduct. It cannot be claimed by the workman now that there is no legal evidence as the workman himself had admitted that he had returned the difference of Rs. 1,000 directly to the party. The relevant points put forth by the union were properly considered. The respondent prays that in the event of this Tribunal coming to the conclusion that the enquiry conducted against the workman is not fair, and proper and/or the enquiry findings is perverse, then an opportunity may be granted to lead fresh evidence and documents and such other opportunity. The respondent prays to dismiss the claim of the petitioner with cost.

5. No witness were examined on both sides. Ex. M-1 to M-18 were marked by consent

6. The Point for our consideration is : Whether the punishment of withholding of two increments with cumulative effect in respect of Thiru T. R. Jeevan, by the management of Indian Bank is justified

7. The Point.--Thiru T. R. Jeevan was employed as Clerk-cum-Shroff of Tirumattir branch in the North Arcot Dist. of the respondent Indian Bank. On 6-9-86 while he was the receipt cashier, M/s. Shivaji Cycle Stores remitted a

sum of Rs. 11,000 with the following denominations for the credit of their account.

$$100 \times 30 = 3000$$

$$50 \times 68 = 3400$$

$$20 \times 80 = 1600$$

$$10 \times 170 = 1700$$

$$5 \times 80 = 400$$

$$10,000$$

But in the challan they have wrongly written as 10,000 instead of Rs. 11,000 as rec'dt cashier, Thiru T. R. Jeevan, the workman had checked the denominations, but failed to detect the mistake and also failed to report the excess cash of Rs. 1,000 received by him to the higher authorities and also did not keep the amount in sundry deposit. On the evening of 8-9-86, he telephoned to M/s. Shivaji Cycle Stores stating and admitting that he received Rs. 1,000 in excess in the remittance made by them on 6-9-86 and returned the amount to the party without the knowledge of the higher authorities and without recording the transaction in the books of the branch. Thus the workman was charged of temporary misappropriation of Rs. 1,000 which amounted to being an act prejudicial to the interest of the bank and a gross misconduct under Clause 19.5(j) of the Bipartite Settlement A charge sheet dated 5-2-87 was issued to the workman which is marked as Ex. M-2. The departmental proceedings are marked as Ex. M-1. In the domestic enquiry four witnesses MW-1 to MW-4 were examined on behalf of the management and two witnesses were examined on behalf of the workman. Eight documents were marked on behalf of the management and ten documents were marked on behalf of the workman during the domestic enquiry. In the domestic enquiry the Enquiry Officer has found the workman guilty of the charges framed against him. Enquiry findings are Ex. M-19. The workman was issued with show cause notice on 15-7-88 marked as Ex. M-11 and letters of the petitioner for the show cause notice has been marked as Ex. M-12 and M-14 and M-15, is the punishment order and Ex. M-16 is the order of the Appellate Authority, dismissing the appeal filed by the workman.

8. While the workman T. R. Jeevan was working as Clerk-cum-Shroff in the Tirupattur branch of the Indian Bank on 6-9-86, one Mr. Pattabi an employee of M/s. Shivaji Cycle Stores paid a sum of Rs. 10,000 in their account. By mistake instead of Rs. 10,000 he has handed over Rs. 11,000 in the various denominations as mentioned in the charge. But he has wrongly totalled it as Rs. 10,000. The said cashier received the money but the allegation is that he failed to return the excess cash of Rs. 1,000 to the party concerned and he did not inform the higher authorities of the bank about the excess cash. Further allegation is that on 8-9-86, he himself telephoned the concerned party and returned the money instead of keeping the amount in the sundry deposits and thus he intentionally misappropriated the amount of Rs. 1,000.

9. The Enquiry Officer has placed reliance on the evidence of MWs-1 to 4 and Exs. M-1 to M-8 marked on the side of the management. The contention of the workman is that immediately after finding the payment of excess cash of Rs. 1,000 he telephoned M/s. Shivaji Cycle Stores and returned the money on the same evening. Therefore, there was no necessity to bring the same in the sundry deposit and in collusion with Shivaji Cycle Stores, the then Manager of the concerned Bank has prepared a false complaint against him due to his union activities.

10. The whole case rests upon the evidence of MW-1 and MW-2 and certain documents which I would like to refer hereafter. The fact that Rs. 1,000 was paid in excess is not denied by the workman concerned. In the concerned challan the concerned workman himself has ticked various denominations of the currency notes paid by M/s. Shivaji Cycle Stores, the total of which will come to Rs. 11,000. But at the end it has been wrongly written as Rs. 10,000. Whether the excess amount of Rs. 1,000 was paid on the same evening of 6-9-86 or whether it was paid only on the evening of 8-9-86 as alleged by the respondent management has to

be decided. In the domestic enquiry the gist of the evidence MW-1 Thiru Kasi Viswanathan, Manager of the concerned branch is to the effect that on 6-9-86 at about 6.00 p.m. the Proprietor of M/s. Shivaji Cycle Stores, Thiru K. V. Rao telephoned him and informed him about the excess payment of Rs. 1,000 and on 8-9-86, the said K. V. Rao sent a letter Ex. M-3 to the Branch Manager about the excess payment and based on the letter, the branch manager has sent a letter to the Zonal Manager on 8-9-86 reporting about the incident. On 23-9-86, the Proprietor of Sivaji Cycle Stores MW-3 sent a letter Ex. M-5 stating that the excess payment of Rs. 1,000 was returned on 8-9-86 by the concerned workman. MW-2 Thiru Arunachalam, an Officer of the Zonal Manager's Office has deposed about his investigation on this incident on 5-12-86 and his report dated 15-12-86. MW-3 is the Proprietor of Shivaji Cycle Stores. He has deposed about the excess payment made by his employee by name Pattabi and his letter Ex. M-3, MW-4 Thiru Rajamani, Security Officer, Regional Office, has also investigated this matter and submitted a report dated 15-10-86. The case of the respondent management is that MW-3 K. V. Rao's employee one Pattabi remitted Rs. 11,000 in the Tirupattur branch of the Indian Bank, but wrongly totalled it as Rs. 10,000 in the challan. Thiru Jeevan the concerned clerk-cum-Shroff received the money and did not return the excess of Rs. 1,000 immediately but returned it only on 8-9-86 after a complaint by the Proprietor of M/s. Shivaji Cycle Stores. The counsel who appeared for the delinquent cashier in the domestic enquiry has made detailed and useful cross-examination in the domestic enquiry and following contradictions have been elicited during the course of the cross-examination. It is the case of the management that on 5-9-86 at 6.00 p.m. on a telephone call from MW-3 K. V. Rao, Proprietor of M/s. Shivaji Cycle Stores, the Manager MW-1, Thiru Kasi Viswanathan, came to know about the excess payment. To the extent of Rs. 1,000 and he informed the said K. V. Rao that the matter would be looked into on 8-9-86 since 7-9-86 was a Sunday. But during cross-examination at page 18 and 19 of the typed set it is seen that even at 12.30 p.m. on 6-9-86, the excess payment of Rs. 1,000 was known to the Branch Manager as well as Mr. Duraiswamy another officer of the bank. It not only falsifies the contention of the management that only at 6.00 p.m. the manager came to know about the excess payment after a telephone call from Proprietor of M/s. Sivaji Cycle Stores but also raises the question as to why both officers have neither questioned the concerned cashier, Thiru T. R. Jeevan, nor made any arrangement to effect repayment of excess money on the same day. Further, the evidence of MW-1, Manager of the bank that he was informed by Proprietor of Sivaji Cycle Stores, over phone on 6-9-86 at about 6.00 p.m. is falsified by MW-3, Proprietor M/s. Sivaji Cycle Stores. At page 51 & 52 of the typed set, during cross-examination three times MW-3 Mr. K.V. Rao Proprietor, M/s. Sivaji Cycl Stores has categorically denied his telephoning to the concerned bank about the excess payment of cash. He has categorically stated that he did not telephone to the bank or he did not talk to any officer or employee about the payment of excess cash even though he was aware of such excess payment, at 4.00 p.m. on the same day. This part of the evidence of MW-3 not only falsifies evidence of MW-1, Manager of the Bank, but also the conduct of the Proprietor of M/s. Sivaji Cycle Stores which is against the natural human conduct. According to him he sent his employee Pattabi to the bank to get back the money, but Pattabi came back in the evening and told him the matter can be settled on Monday. MW-1, the Manager had deposed that M/s. Sivaji Cycle Stores sent letter Ex. M-3, on 8-9-86 mentioning about the excess payment of Rs. 1,000. Similarly Ex. M-5 another letter from M/s. Sivaji Cycle Stores dated 23-9-86 mentions about the refund of Rs. 1,000 by the concerned employee on the evening of 8-9-86. A comparison of these two letters Ex. M-3 and M-5 will show that the scribe of both these letters are different persons even though signature may be of the same person. MW-2 Thiru Arunachalam who investigated into this transaction has reported that Thiru K. V. Rao informed him that two letter heads of the firm with his signatures were obtained by the Branch Manager to report the matter to higher authorities. In the special report which was marked as Ex. D-7 in the domestic enquiry it is mentioned that the customer informed him the investigating Officer that he has given to the Manager a blank signed paper in this regard. Thus in the two documents

mentioned above it is seen that the signature of the Proprietor of M/s. Sivaji Cycle Stores were obtained by the Manager in blank letter heads which could have been used as Exs. M-3 and M-5 Letters which are the root cause for the investigation, charge sheet, and enquiry against this delinquent. Only because the Proprietor of M/s. Sivaji Cycle Stores only signed blank letter heads different scribbles have been used to write both these letters. In Ex. M-3 letter, there is a lot of space between the signature and the last line. This Ex. M-3 letter is said to have been received by MW-1 Manager of the bank on 8-9-86 and he has deposed that he sent a complaint on 8-9-86, which is based on Ex. M-3 letter. But MW-2 Thiru T. S. Krishna Rao, who was at the relevant time employed in the despatch clearing section of the same Bank has categorically stated that the complaint of the Branch Manager which was marked as Ex. M-2 in the domestic enquiry was not sent on 8, 9, or 10th September, 1986. But it was sent only after 3.00 p.m. on 11-9-86 and he has also given the reasons why it was sent after 3.00 p.m. on 11-9-86. The above part of the defence witness has not been cross-examined on behalf of the respondent-management. There is truth in the evidence of DW-2 with regard to the despatch of the complaint of the Branch Manager since the same has been received at Madras only on 12-9-86. If this letter was sent on 8-9-86, it would have reached the Zonal Office the very next day. But the complaint of the Manager has been received at the Zonal Office only on 12-9-86 thus confirming the version of DW-2 that the complaint Ex. M-2 in the domestic enquiry was despatched only on 11-9-86 after 3.00 p.m. All the above said discrepancies on the part of the evidence of the Manager not only show that all that the Manager MW-1 has stated in the domestic enquiry not only false but also go a long way to the extent of showing that the Branch Manager has stage managed certain documents like Exs. M-3 and M-5, to make out a false case against the concerned employee, Thiru T. R. Jeevn, due to his union activities. The contention of the learned counsel for the petitioner that the concerned employee Thiru T. R. Jeevan, Branch Representative of the Association was victimised due to union activities cannot be brushed aside as one without substance. That there was ill feeling between the concerned employee and the Manager is also proved by the remark :

"The relationship between the Staff and Manager is not cordial. Again staff grouping is in existence which ultimately affects the growth and development of the branch."

mentioned in Ex. D-6 marked in the domestic enquiry (Page 144 of the typed set). The whole evidence of the manager MW-1 is shattered by Ex. D-5 the T.A. bill of the concerned Manager for the relevant period. According to Ex. D-5 marked in the domestic enquiry, the said Branch Manager has left Tirupattur on 6-9-86 by 10.30 a.m. and reached Madras at 3.00 p.m. by train and he returned from Madras starting from Madras on 7-9-86 at 7.00 a.m. reaching Tirupattur at 1.30 p.m. by bus and has claimed train fare and bus fare and betta for two days. This Ex. D-5 shows that the Manager MW-1 would not have been present in the branch on the relevant date but he claims to have been present in the bank on that day and received phone call from the Proprietor of M/s. Sivaji Cycle Stores etc. As already elaborated several parts of his evidence have been falsified.

11. The most important witness in this case is Mr. Pattabi employee of M/s. Sivaji Cycle Stores who is said to have made excess payment of Rs. 1,000 and also said to have received the money on the same day according to the delinquent, Clerk-cum-Cashier but only on 8-9-86 according to the Manager. Ex. M-5 letter from M/s. Sivaji Cycle Stores is marked in the enquiry to show that Rs. 1,000 was returned on 8-9-86. But if the concerned employee has repaid the money on 8-9-86, evening, the Proprietor of Sivaji Cycle Stores should have reported the matter immediately. Ex. M-5 letter has been sent only on 23-9-86 more than 15 days later. This again would go to show that the blank letter head of MW-3 has been used by the Manager. In the domestic enquiry on 23-12-86 the counsel for the delinquent cashier has emphasized the need for examining Mr. Pattabi to prove that the amount was returned on the same day evening. Prior to this request, MW-3 has already examined but he did not answer several

questions of the defence counsel but abruptly went away stating that he does not want to depose further. Exts. M-3 and M-5 letters have been marked through this witness. When this witness MW-3 has not subjected himself for cross-examination, his entire evidence has to be eschewed and consequently Exs. M-3 and M-5 letters could not have been validly marked during the enquiry. Whole evidence of MW-3 Thiru K. V Rao, Proprietor of Sivaji Cycle Stores has to be eschewed. The most appropriate person to speak about the whole transaction is his employee Mr. Pattabi who has not been examined as a witness inspite of request by the delinquent. Non-examination of Thiru Pattabi is fatal to the management's acquisitions. The said Mr. Pattabi has been also favoured with a loan by the Manager soon after this incident.

12. DW-1 Mrs. Banumathi, has deposed to the effect that at about 12.30 p.m. on 6-9-86, the delinquent cashier informed her that Mr. Pattabi has paid Rs. 1,000 excess and he telephoned to M/s. Sivaji Cycle Stores, and at about 3.15 p.m. she saw Mr. Pattabi alongwith delinquent Cashier in the Bank premises. The above circumstances clearly show that Mr. Pattabi was present in the afternoon in the bank premises on 6-9-86. MW-3 has also deposed even during his examination, in chief that Pattabi went to Bank on 6-9-86 evening, after the excess cash payment was deducted. Therefore, there is every possibility of the delinquent repaying Rs. 1,000 to Mr. Pattabi on the same evening as contended by him in the domestic enquiry. Further in the special report which was prepared in this regard and marked as D-7, it is mentioned as follows :

"On verification and discussion with the customer, the excess cash was returned to him on the late evening on 6-9-86 directly by the cashier."

Thus the contention of the delinquent cashier that the excess amount was returned on the evening of 6-9-86 itself is proved by the special report of the bank itself. The Branch Manager who had some misunderstanding or enemical terms with the delinquent himself seems to have stage managed the things, to prepare the complaint with ante-date against this employee which has resulted in an enquiry and punishment on the delinquent cashier. The delinquent cashier, is the Branch Representative of the petitioner-union. This incident is a clear case of victimisation of an employee by making use of a small incident by blowing the same out of all proportions and creating false records for the said purpose. The respondent management should have taken sufficient care to find out the truth. On the other hand the management has simply supported the Branch Manager in pursuing his complaint and framing charges against the delinquent and thus has violated the principles of natural justice. The delinquent has been unnecessarily charged of temporarily misappropriating the amount and has been shockingly punished with stoppage of two increments. The findings of the Enquiry Officer is based on evidence of MW-3 who has not subjected himself for cross-examination and whose evidence should have been totally eschewed. The evidence of MW-1, the Branch Manager has been falsified of various aspects by the other witnesses and the finding of the Enquiry Officer are perverse. In the above circumstances, there is no justification in giving a punishment of stoppage of two increments with cumulative effect. The charge against the delinquent is not proved, on the other hand the interest of the Branch Manager in foisting a false complaint on the delinquent cashier is established. The delinquent has been unnecessarily put to hardships.

13. In the result, award is passed holding that there is no justification in the punishment of stoppage of two increments with cumulative effect, to the employee and the respondent bank is directed to pay costs of Rs. 2,000 to the petitioner-union.

Dated, this the 27th day of November, 1997.

THIRU S. ASHOK KUMAR, Industrial Tribunal

## WITNESSES EXAMINED

For both sides : None.

## DOCUMENTS MARKED

For Petitioner-union : Nil.

For Management :

Ex. M-1/13-3-87—Enquiry Proceedings.

Ex. M-2/5-2-87—Chargesheet (Xerox copy).

Ex. M-3/8-9-86—Letter from Branch Manager to Zonal Manager (Xerox copy).

Ex. M-4/20-10-86—Show cause notice (Xerox copy).

Ex. M-5/15-12-86—Report of Officer to Zonal Manager (Xerox copy).

Ex. M-6/15-10-86—Report of Security Officer to Regional Manager (Xerox copy).

Ex. M-7/28-11-86—Reply from the Petitioner to the Zonal Manager, Indian Bank (Xerox copy).

Ex. M-8/3-1-87—Letter from Zonal Manager to the Petitioner (Xerox copy).

Ex. M-97 —Xerox copies of Exhibits D-3 to D-10 marked in domestic enquiry.

Ex. M-10/22-6-88—Enquiry Officer's finding (Xerox copy).

Ex. M-11/15-7-88—Show cause notice issued to petitioner (Xerox copy).

Ex. M-12/31-8-88—Letter from petitioner to Zonal Manager (Xerox copy).

Ex. M-13/27-9-88—Letter from Zonal Manager to the petitioner (Xerox copy).

Ex. M-14/14-10-88—Letter from the petitioner to the Zonal Manager (Xerox copy).

Ex. M-15/26-10-88—Letter to the petitioner from Zonal Manager (xerox copy).

Ex. M-16/4-2-88—Appellate Authority's order (Xerox copy).

Ex. M-17/28-3-91—Letter from respondent-management to Asst. Labour Commissioner (Xerox copy).

Ex. M-18/2-9-91—Letter from respondent-management to Asst. Labour Commissioner (Xerox copy).

नई विल्ली 26 दिसंबर, 1997

सा. आ. 196.—प्रौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीफोन डिपार्टमेंट कासीकट, के प्रबंधनत के संबंध नियोजकों और उनके कर्मकारों के बीच, अनवंश में निविष्ट प्रौद्योगिक विवाद में सेबर कोर्ट, कोजिकोड़े के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-97 को प्राप्त हुआ था।

[सं. एस-40012/40/95-प्राइ. आर. (झीय.)]  
के. वी. बी. ऊर्णी, ईस्क अधिका-

New Delhi, the 26th December, 1997

S.O. 196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kozhikode as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecom, Calicut and their workman, which was received by the Central Government on 26-12-97.

|F. No. L-40012/40/95-IR(DU)|  
K. V. B. UNNY, Desk Officer

## ANNEXURE

IN THE LABOUR COURT, KOZHIKODE,  
KERALA STATE

Dated this the 29th day of October, 1997

## PRESENT :

Shri P. Q. Barkath Ali, B.Sc., LL.B., Presiding Officer.

I.D. (C) No. 7/95

## BETWEEN

The Telecom District Manager,  
Department of Telecommunication,  
Calicut-673 001. . . Management

## AND

Sri A. P. Balan,  
Areeparambath (House),  
Peringalam Desam,  
Kunnamangalam P.O.,  
Calicut-673 001. . . Workman

## Representations :—

Adv. T. V. Hari, Addl. Govt. Pleader, Kozhikode : For Management

Sri P. Santosh Kumar, Advocate, Ernakulam : For Workman.

## AWARD

This is an industrial dispute between the management of Telecom Department and its workman Sri A. P. Balan regarding the justifiability of the action of the General Manager, Department of Telecommunication, Calicut in terminating the service of the workman which is referred for adjudication to this Court by order No. L-40012/40/95-IR(DU), dated October 27, 1995 of Ministry of Labour, Government of India.

2. The workman in his claim statement contended thus :—The workman was employed as a casual mazdoor under the management on October

6, 1978 through the Employment Exchange. Thereafter his service was regularised by the Sub-Divisional Officer, Phones, North Kozhikode by his order dated July 8, 1980. He worked for 700 days till December 30, 1980. Thereafter till 1990 as he was undergoing treatment for rheumatism he was unable to attend the work. After treatment he was re-engaged in service on August 6, 1990. Thereafter he was continuously working under the management. After re-engagement the workman worked under the Cable Juniper Sri Narendran and Sub-inspector of phones Sri Lohidakshan and the workman was paid wages in his name. From December 18, 1991 the workman was working under Sri Krishnadas, Sub-inspector of Phones, but his wages were paid in the names of other persons. Therefore the workman filed O.A. 219/94 before the Central Administrative Tribunal, Ernakulam for a direction to the management to record the work done by the workman and to pay wages to him. Due to the above enmity the management terminated the service of the worker from February 15, 1994 without giving any notice or compensation. Therefore the workman withdrew his O.A. before Central Administrative Tribunal on April 19, 1994. The denial of employment to the workman without notice or notice pay was not in compliance with the provisions of Section 25-F of the Industrial Disputes Act and therefore the same is illegal. Therefore the management may be directed to reinstate him in service with consequential benefits.

3. The General Manager and the District Manager, Telecommunications, Kozhikode filed a joint written statement contending thus:—It is true that the workman was employed as a casual workman under the management from October 6, 1978 onwards. He abandoned the work on December 9, 1980. Thereafter on August 1, 1986 he approached the management re-engagement. Taking it as a special case the management re-engaged him on August 1, 1986. After December 31, 1986 he abandoned the work again. On June 19, 1989 he again submitted a representation for re-engagement to the District Manager as well as General Manager of Telecom Department, which was rejected. The O.P. filed by the workman before the Central Administrative Tribunal was dismissed as withdrawn. The workman was never engaged by the Department after December 31, 1986 onwards. It is not true that the workman worked under Mr. Narendran, Mr. Lohidakshan and Mr. Krishnadas. Therefore, the workman is not entitled to any of the reliefs claimed.

4. The management filed an additional statement contending that the Department of Telecom is not an industry as provided in the Industrial Disputes Act and that therefore the reference itself is invalid.

5. The following points arise for consideration:

- (1) Whether the Department of Telecom is an industry as defined in Section 2(j) of the Industrial Disputes Act?
- (2) Whether the workman abandoned the work as contended by the management or whether the management denied employment to him as contended by the workman?
- (3) If so, whether such denial is justified?
- (4) What are the reliefs to which the workman is entitled to?

6. WW1 was examined and Exts. W1 to W3 were marked for the workman. On the side of the management MW1 and MW2 were examined and Exts. M1 and M2 were marked.

7. Point No. 1.—The case of the workman as testified by him as WW1 is that he was employed as an approved temporary casual mazdoor in the Telecom Department from October 6, 1978 onwards, that he was denied employment without any reason from February 15, 1994 onwards. The management, which is the Telecom Department represented by its District and General Managers mainly contended that the Telecom Department is not an industry as defined in Section 2(j) of the Industrial Disputes Act and that therefore the reference itself is invalid. There is no merit in the above contention of the management. It has been held in Bhaskaran v. Sub-Divisional Officer (1982 KLT 613) that postal, telegraph and telephone services are industries as defined in Section 2(j) of the Industrial Disputes Act to which the provisions of Sections 10, 12 and 22 of the Industrial Disputes Act directly apply. Adopting the principles laid down in the above decision in the present case I hold that the Department of Telecommunication is an industry as defined in Section 2(j) of the Industrial Disputes Act. It follows that the reference is valid.

8. Point No. 2.—The next question for consideration is whether the workman has abandoned the job from December 31, 1986 onwards as contended by the management or whether he was denied employment by the management as contended by the worker. The workman as WW1 testified that he worked under the management from October 6, 1978 to December 31, 1986 for 706 days, that thereafter as he was undergoing treatment for the rheumatism he was unable to attend the work, that he was re-engaged in service from October 6, 1990 onwards and that he was denied employment by the management without any valid reason from February 15, 1994 onwards. The Assistant General Manager, Telecommunication (Administration, Calicut, as MW1 testified that the workman worked till 1980, that thereafter in 1986 he was re-engaged

ed in service at his request and that after December 31, 1986 he never reported for work. The above version of MW1 that the workman abandoned the employment after December 31, 1986 appears to be not true. It is the admitted case that the muster roll is kept by the Department for the casual labourers and these employees have marked their attendance therein. The management did not produce the muster-roll of casual labourers for the period after December 31, 1986 to show that the workman never reported for work thereafter.

9. The specific case of the workman is that after December 31, 1986 he was undergoing treatment for rheumatism that he was re-engaged on August 6, 1990 and that he worked under Sri Lohidakshan and Sri Krishnadas, Sub Inspectors of Telephones and also under Sri Narendran, Cable Joiner, and that if the 'imprest bills' and vouchers of those persons are produced it will be seen that he worked under them. The workman filed a petition M.P. 134/96 calling upon the management to produce the vouchers for the period from August 6, 1990 to February 15, 1994 regarding the works done under the above mentioned Sub Inspectors of Telephones and Cable Joiner. But the management did not produce those vouchers. The Deputy General Manager filed an affidavit stating that those vouchers could not be traced and that the preservation period of those vouchers are 3 years as prescribed under Appendix 6(3) of Vol. I, Item 17 of Financial Hand Book. The above explanation offered by the management for non-production of the relevant voucher's appears to have been invented to escape from liability. MW1, the Assistant General Manager did not say that those vouchers were destroyed. Further before the Assistant Labour Commissioner, Central, Cochin in the conciliation proceedings the Deputy General Manager, Telecommunication, Calicut filed a statement, stating that on verification of the vouchers pertaining to the period May 2, 1991 to December 31, 1991 it is found that the workman was engaged on 'imprest bills' of Sri Lohithakshan for 25 days from May 17, 1991 to December 31, 1991. Ext. W2 is the copy of that statement. The management has no case either in pleadings or in evidence that the above statement made by the Deputy General Manager in Ext. W1 has been made under a mistake or is not correct. MW1 when cross-examined admitted that it is true that such a statement is made in Ext. W1. Having regard to all these I am not inclined to accept the case of the management that after December 31, 1986 the workman never worked under the management.

10. Though not pleaded in the statement, the management produced Ext. M1 and examined MW2 to prove that workman was employed in Standard Furniture, Calicut from 1986 to 1994. Ext. M1 is a letter sent by MW2; the Manager of that company to the management to the effect that

as per records the workman was a permanent worker in that company during the period 1986 to 1989 and that he entered in regular service on September 1, 1990 and left the service on February 7, 1994. The Government pleader appearing for the management argued that as the workman worked in the company of MW2 from 1986 to 1994 he would not have worked under the management during that period and that therefore the contention of the management that the workman left the work on December 31, 1986 has to be accepted. I am unable to agree. MW2, when cross-examined admitted that he does not know whether the workman actually worked in that company as MW2 joined in the company only on March 9, 1994. Even according to him that company was on lock-out during the period 1990 to 1993 which itself shows that the workman would not have worked in that company of MW2 during that period. MW2 further admitted when cross-examined that he does not know for how many days the workman worked in his company. The management did not take any steps to cause production of the muster-roll and other records of the company of MW2 to prove that the workman actually worked therein. All these apart, in the statement filed by the management it is not pleaded that the workman had at any time worked in M/s. Standard Furniture, Calicut from 1986 to 1994. Having regard to all these, the above contention of the management that the workman was employed in Standard Furniture, Calicut from 1986 to 1994 and that therefore, he would not have worked under the management during that period has only to be rejected.

11. The workman as WW1 testified in a convincing manner that he was re-engaged in service on August 6, 1990 and was continuously working till February 15, 1994 when he was denied employment without any valid reason. I have rejected the contention of the management that the workman abandoned the job from December 31, 1986 onwards and also that he was employed in the company of MW2. Further the Deputy General Manager, Telecommunication, Calicut has admitted in his statement filed before the Assistant Labour Commissioner, Central, Cochin that the workman has worked under Sri Lohithakshan, Sub-Inspector of Phones under imprest bills from May 17, 1991 to December 31, 1991. The management did not produce those 'imprest bills' and vouchers of Sri Lohithakshan during the relevant period inspite of the fact that they were called upon to produce them. All these facts probabalise the case of the workman that he was re-engaged in service on August 6, 1990 and was denied employment by the management from February 15, 1994.

12. Next point is whether such denial is justified or not. The management has denied employment to the workman without any valid reason.

That apart, admittedly the workman has worked under the management for more than 240 days during the period of one year. That being so, the retrenchment of the workman without complying with the provisions of Section 25F of the Industrial Disputes Act is invalid. The management has no case that they issued any notice or given notice pay or compensation to the workman as contemplated in Section 25F of the Industrial Disputes Act. Further, the management has not given notice to the workman calling upon him to resume duty. No notice of termination was also issued. Having regard to all these facts and circumstances I am inclined to hold that the denial of employment to the workman by the management is illegal and is not justified.

13. Point No. 4.—I have found that the management has denied employment to the workman and that such denial is not justified. It follows that the workman is entitled to be reinstated in service as an approved casual mazdoor with continuity in service and other attendant benefits. As regard back wages, as the workman was only a casual labourer and would be getting work as and when available and in the facts and circumstances of the case I hold that he is not entitled to any back wages.

14. In the result, an award is passed holding that denial of employment to the workman by the management is not justified. The management is directed to reinstate the workman as an approved casual mazdoor within one month from the date of publication of this award in the official gazette. The workman is entitled to all the benefits and privileges and continuity of service to which a casual labourer is entitled to. For the reasons stated in the foregoing he is not entitled to back wages.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 29th day of October, 1997.

P. Q. BARKATH ALI, Presiding Officer

#### APPENDIX

Witnesses examined on the side of the Management :—

MW1—M. K. Prabhakaran.

MW2—P. Ramesh Chandra Babu.

Witnesses examined on the side of the Workman :—

WW1—Balan.

Documents marked on the side of the Management :—

Ext. M1—Letter dated 24th February, 1997 addressed to Division Engineer, (Vigilence) Telecom from MW2.

Ext. M2—Letter dated 23rd May, 1997 addressed to the Assistant General Manager (Admn.) Department of Telecom from M. Sivadasan, Manager M/s. Standard Furnitures.

Documents marked on the side of the Worker :—

Ext. W1—Certified copy of Judgment in O.A. No. 219/92 of the Hon'ble Central Administrative Tribunal, Ernakulam.

Ext. W2—Copy of the letter No. ST 2-1006/93-94/62 dated 24th October, 1994 of the Deputy General Manager, Telecom, Calicut.

Ext. W3—Copy of the letter No. ST 2-1006/93-94/68 dated 21st November, 1994 of the Deputy General Manager, Telecom, Calicut.

नई विल्सनी, 26 दिसम्बर, 1997

का.आ. 197—ऑर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केंद्रीय सरकार ई.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट और्डोरिंग विवाद में केंद्रीय सरकार और्डोरिंग अधिकरण, आसनमोत के पंचपट को प्रकाशित करती है, जो केंद्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[सं. एन-22012/373/91-आई०आर०(सी-II)]

केंद्रीय बी० उनी० डैस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.C. Ltd., and their workmen, which was received by the Central Government on 22-12-97.

[No. L-22012/373/91-IR(C-II)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL  
Reference No. 16/92

#### PRESENT :

Shri R. S. Mishra, Presiding Officer

#### PARTIES :

Employers in relation to the management of Sodepur (R) Colliery of M/s. E. C. Ltd.,

AND

Their Workmen

#### APPEARANCES :

For the Employer—None.

For the Workmen—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 19th November, 1997

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/373/91-IR(C-II) dated 26-3-92.

- "Whether the action of the management of Sodepur (R) Colliery, L. C. Ltd., PO: Sunderchak, Dist. Burdwan in superannuating Shri Bijoy Chattaraj, Ex. Asstt. Foreman w.e.f. 1-7-83 of the Medical Board and (ii) not providing employment to the dependent of the concerned workman is justified? If not, to what relief is the concerned workman entitled to?"
2. In spite of repeated adjournments to enable the person to become ready for hearing, it does not take any step. Seems not interested in the dispute.
3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 1997

का.आ. 198.— औद्योगिक विवाद अधिनियम, 1947 (1947 का का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधताल के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[सं. एल-22012/433/93-आई.आर. (सी-II)]

के.बी.बी. उप्री, ईस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/433/93-IR(C-II)]

K. V. B. UNNI, Desk Officer

**ANNEXURE**

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Reference No. 10/94

**PRESENT :**

Shri R. S. Mishra, Presiding Officer

**PARTIES :**

Employers in relation to the management of Damagoria Colliery of M/s. B.C.C. Ltd.

AND

Their Workman

**APPEARANCES :**

For the Employers—Shri P. K. Mahapatra, Sr. Personnel Officer.

For the Workman—Shri S. K. Singh, Joint Secretary.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 1st December, 1997

**AWARD**

1. The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/433/93-IR(C-II) dated 21-4-1994:

**SCHEDULE**

"Whether the action of the management of the Damagoria Colliery of M/s. B.C.C. Ltd., in not referring Shri Anjor Singh, Store Mazdoor to the Age Determination Committee for determination of correct age is justified? If not, to what relief is the concerned workman entitled to?"

2. The admitted procedure for determination of age dispute is contained in the guidelines provided by Implementation Instruction No. 76. It says that a service extract incorporating the date of birth as recorded in the 'B' form register would be prepared and issued to each of the respective employees and that if the recorded age is found to be incorrect the employee is to bring it to the notice of the authority by putting his protest in the space given in the format itself. It further says that if any apparent variance is there in relation to other official records or if there is apparent glaring incorrectness in the service extract, the case of the employee would be referred to the Age Determination Committee for the respective Area/Unit, whose opinion would be final in the matter.

3. The union now says that in the identity card issued to the workman by the management, his date of birth has been noted as 1-7-1941, whereas in the 'B' form register it has been mentioned as 28-5-1935, but in spite of such variance the case of the concerned workman was not referred to the Age Determination Committee.

4. The version of the management is that the service extract prepared and issued to the workman contained the recorded date of birth 28-5-1935, but he did not raise any protest or dispute against it. So there was no question of referring his case to the Committee for assessment of his age.

5. The documents filed by the parties indicate that entry in the 'B' form register is to the effect that in 1973, age of the concerned workman was 38 years i.e. date of birth was 28-5-1935. It is further reflected that this date was mentioned as the date of birth in the service extract issued to the workman, but he did not object to it. So there is no scope for a dispute about his date of birth. Apart from that entry in the identity card can not be treated as authentic Implementation Instruction-76 prescribes what documents are to be considered and identity card is not one of them.

6. Reference is answered in favour of the management. Award accordingly.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 1997

का.आ. 199—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधताल के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[संख्या एल-22012/33/93-आई.आर. (सी-II)]

के.बी.बी.उप्री, ईस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/33/93-IR (C-II)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 23/93

#### PRESENT :

Shri R. S. Mishra, Presiding Officer

#### PARTIES :

Employers in relation to the management of Damagoria Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

#### APPEARANCES :

For the Employer—Sri P. K. Das, Advocate

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal  
Dated, the 29th October, 1997

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(33)/93-IR(C-II), dated 20-5-93.

"Whether the action of the management of Damagoria Colliery in not protecting the wages of Sri Keso Prasad at the time of regularisation in Category I job from wagon loader in the year 1983 is justified? If not, to what relief is the concerned workman entitled to?"

2. The union does not take any step in the matter of hearing in spite of sufficient opportunity by way of adjournments. Seems not interested in the dispute.

3. 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 1997

का०प्रा० 200.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई० सी० एल० के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुरंथ में निर्विचल औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, असनसोल के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[मंज्ञा एल-22012/54/96-प्राई आर (सी-II)]  
के० बी० बी० उन्नी, डैस्ट्रिक्ट अधिकारी

New Delhi, the 26th December, 1997

S.O. 200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/54/96-IR(C-II)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 22/97

Present :

Shri R. S. Mishra, Presiding Officer.

Parties :

Employers in relation to the management of SSI unit of Ningah Colliery of M/s. E. C. Ltd.,

AND

Their Workmen

Appearances :

For the Workman—Sri S. K. Pandey,  
Genl. Secy.

For the Employer —Sri P. K. Goswami,  
Advocate.

Industry : Coal. State : West Bengal.

Dated the 18th November, 1997.

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/54/96-IR(C. II) dated 14-3-97.

"Whether the action of the management of SSI Unit under Ningah Colliery of Sripur Area of ECL in dismissing Sh. Nandey Nunia, Underground Dresser from services is legal and justified ? If not, to what relief the workman is entitled ?"

2. The General Secretary of the union appears and said that the matter has already been settled.

3. 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 1997

**का०आ० 201.—औद्योगिक विवाद अधिनियम, 1947** (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई० सी० एल० के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[संख्या एल-22012/60/92-आई आर (सी-II)]  
के० वी० बी० उन्नी, डैस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/60/92-IR(C-II)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL  
REFERENCE NO. 36/92

Present :  
Shri R. S. Mishra,  
Presiding Officer.

Parties :  
Employers in relation to the management  
of Nab Kajora Colliery of M/s. E. C. Ltd.,  
AND

Their Workmen.

Appearances :

For the Employer—Sri P. Banerjee,  
Advocate.

For the workman—None.

Industry : Coal      State : West Bengal.

Dated the 25th November, 1997.

#### AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/60/92-IR (C. II) dated 8-9-92.

"Whether the action of the management of Nabkajora Colliery of E. C. Ltd. in dismissing their workman Shri Lallu Bowri, T/Mazdoor, Nabkajora Colliery, Kajoragram, Burdwan, w.e.f. 2-2-85 is legal and justified? If not, to what relief the workman is entitled to?"

2. The union does not take any step for the purpose of hearing, in spite of sufficient adjournments.

3. 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 1997

**का०आ० 202.—औद्योगिक विवाद अधिनियम, 1947** (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई० सी० एल० के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[संख्या एल-22012/69/95-आई आर (सी-II)]  
के० वी० बी० उन्नी, डैस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/69/95-IR(C-II)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 45/95

President :

Shri R.S. Mishra,  
Presiding Officer.

Parties :

Employers in relation to the  
management of Dhemomain Col-  
liery of M/S. E.C. Ltd.

AND

Their Workmen

APPEARANCES : For the Employer—Sri P. Banerjee, Advocate.

For the Workman—None.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 26th November, 1997

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/69/95-IR (C-II) dated 29-8-95.

"Whether the action of the management of Dhemomain Colliery of M/s. ECL in not protecting the wages of Sh. Ashok Chatterjee and 12 others is justified? If not, to what relief the concerned workmen is entitled to?"

The union does not appear since a long time and does not also take any step.

3. 'No Dispute Award' is accordingly passed.

R.S. MISHRA, Presiding Officer.

नई दिल्ली, 26 दिसम्बर, 1997

का०आ० 203—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्सै ई० सी० एल० के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[संख्या एल-22012/125/96-आई आर (सी-II)]  
के० बी० बी० उण्णी, डैस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/125/96-IR(C-II)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 33/97

PRESNT : Shri R.S. Mishra,

Presiding Officer.

PARTIES : Employers in relation to the management of Kajora Area of M/s. E.C. Ltd.,

AND

Their Workman.

APPEARANCES: For the Workman—None.

For the Employer—Shri P.K. Das  
Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 24th November, 1997.

## AWARD

The Government of India, in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/125/96-IR.(C-II) dated 20-5-97.

"Whether the action of the Management of Parascola Colliery of Kajora Area under M/s. Eastern Coalfields Ltd. denying to refer the age dispute of Sh. Kedar Gope, UG Loader to Age Determination Committee is justified? If not, what relief the workman is entitled to?"

2. In spite of service of notice by Registered Post upon the union, it does not respond and does not file Written Statement.

3. 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer.

नई दिल्ली, 26 दिसम्बर, 1997

का०आ० 204—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्सै बी० सी० सी० एल० के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[संख्या एल-22012/134/96-आई आर (सी-II)]  
के० बी० बी० उण्णी, डैस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/134/96-IR(C-II)]  
K. V. B. UNNY, Desk Officer

**ANNEUXRE**  
**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL**

Reference No. 31/97

PRESLNT : Shri R.S. Mishra  
Presiding Officer

PARTIES : Employers in relation to the management of Damagoria Colliery of M/s. B.C.C. Ltd.,

AND

Their Workman.

APPEARANCES : For the Employer—Shri P. K. Das, Advocate.

For the Workman—None.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 24th November, 1997

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/134/96-IR(C-II) dated 20-5-97.

"Whether the action of the management of Damagoria Colliery in not referring Sh. Nanki Daw Satnami to Apex Medical Board is Justified? If not, what relief is the concerned workman entitled to?"

2. In spite of service of notice by Registered post upon the union, it does not respond and does not file Written Statement.

3. 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer.

नई दिल्ली, 26 दिसम्बर, 1997

का०आ० 205.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसें ई० सी० एन० के प्रबंधतात्व के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुग्रंथ में निर्विष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकारण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-97 को प्राप्त हुआ था।

[संख्या प्रक-22012/194/91-आई आर ( 1-II)]  
के० वी० वी० उण्णी, ईस्क अधिकारी

New Delhi, the 26th December, 1997

S.O. 205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd., and their workman, which was received by the Central Government on 22-12-97.

[No. L-22012/194/91-IR(C-II)]  
K. V. B. UNNY, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL, ASANSOL**

Reference No. 8/92

PRESENT : Shri R.S. Mishra,  
Presiding Officer.

PARTIES : Employers in relation to the management of Tilaboni Colliery of M/s. E.C. Ltd.,

AND

Their Workmen.

APPEARANCES : For the Employer—Shri P. K. Das, Advocate.

For the Workmen—Sri M. Mukherjee, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 25th November, 1997

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/194/91-IR(C-II) dated 8-1-92.

Whether the action of the management of Tilaboni Colliery PO : Ukhra, Distt. Burdwan, in dismissing Sri Laba Majhi U/G Loader w.e.f. 24-3-90 is justified? If not, to what relief is the concerned work man entitled to?"

2. Advocate for the union says that the union is no more interested in the dispute.

3. 'No Dispute Award' is accordingly passed.

R.S. MISHRA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1997

का० आ० 206.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट मास्टर, हेड पोस्ट ऑफिस, बीकानेर के प्रबंधतत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकारण, बीकानेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-97 को प्राप्त हुआ था।

[स० एल-40012/108/93-प्राई भार (डी०)]  
के० वी० वी० उणी, डैस्क अधिकारी

New Delhi, the 30th December, 1997

S.O. 206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bikaner as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master, Head Post Office, Bikaner and their workman, which was received by the Central Government on 30-12-97.

[No. L-40012/108/93-IR(DU)]  
K. V. B. UNNY, Desk Officer

अनुबंध

ओद्योगिक न्यायाधिकारण, बीकानेर

केन्द्रीय ओद्योग विवाद प्रसंग स० 1 सन् 1991

श्री प्रह्लाद सिंह पुत्र श्री बीरबल सिंह जार्ति भाटी राजपूत, पद मेल पियोन, हेड पोस्ट ऑफिस, बीकानेर जरिये श्री भारत भूषण आर्य, महामंत्री बीकानेर डिवीजन ट्रेड यूनियन काउन्सिल, 1 खजांची बिल्डिंग, बीकानेर।

प्रार्थी/अधिक

वनाम

1. पोस्ट मास्टर, हेड पोस्ट ऑफिस, बीकानेर
  2. अधीक्षक डाक विभाग, गनी बाजार बीकानेर
- प्रार्थी/गण/नियोजक

प्रसंग अन्तर्गत धारा 10(1)(घ), ओद्योगिक विवाद अधिनियम, 1947

न्यायाधीश श्री गुलाम हुसैन आर एच जे एस....

उपस्थिति :

1. श्री भारत भूषण आर्य, अधिक प्रतिनिधि
2. श्री मदन लाल श्रीमाली नियोजक प्रतिनिधि

अधिनियम

दिनांक 26 नवम्बर, 97

केन्द्रीय सरकार ने अधिसूचना स० एल० 40012/108/93-प्राई भार (डी० य०) दिनांक 19-4-94 के द्वारा निम्नलिखित विवाद इस अधिकारण में अधिनियमार्थ ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 उप धारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए प्रेषित किया है :

"Whether the action of Post Master, Head Post Office, Bikaner and Supdt., D/O Post, Rani Bazar, Bikaner in terminating the services of Shri Birbal Singh Bhati is justified? If not, what relief he is entitled to?"

इसके पश्चात् केन्द्रीय सरकार ने अपने संशोधन पत्र दिनांक 8/14 मार्च, 95 के द्वारा इस अधिकारण को सूचित किया कि प्रेषित किये गये विवाद की अनुसूची में कर्मकार का नाम बीरबल सिंह की जगह श्री प्रह्लाद सिंह भाटी सम आफ श्री बीरबल सिंह भाटी पढ़ा जाए अतः अब संशोधन के अनुसार विवाद इस प्रकार से पढ़े जाने योग्य है :

"Whether the action of Post Master, Head Post Office, Bikaner and Supdt., D/O Post, Rani Bazar, Bikaner in terminating the services of Shri Prahlad Singh Bhati S/o Shri Birbal Singh Bhati is justified? If not, what relief he is entitled to?"

2. प्रसंग प्राप्त होने पर पक्षकारों को नोटिस दिये गये। दोनों ही पक्षों की ओर से अंभवचन प्रस्तुत किये गये हैं।

3. प्रार्थी जिसे आगे चलकर अधिक, कहा जावेगा, ने अपना स्टेटमेंट आफ क्लेम इस आशय के साथ प्रस्तुत किया है कि अधिक की प्रथम निर्युक्त अप्रार्थिण जिन्हें आगे चलकर "नियोजकगण" कहा जावेगा, के अधीन मेल पियोन के पद पर दिनांक 1-5-91 को मुख्य डाकघर बीकानेर में हुई थी, अधिक ने दिनांक 31-3-92 तक निरन्तर इस पद पर कार्य किया जो अवधि 240 दिनों से अधिक की हो चुकी है। नियोजक ने अपने मौखिक अवेदन से दिनांक 1-4-92 को नितान्त अवधारणिक तरीके से अधिक को सेवामुक्त कर दिया, सेवा मुक्ति के पूर्व नियोजकगण ने अधिक को ओद्योगिक विवाद अधिनियम जिसे आगे चलकर "अधिनियम" कहा जावेगा, की धारा 25-एफ के अन्तर्गत छठनी का मुआवजा व अन्य लाभों का भुगतान नहीं किया, सेवा मुक्ति के पूर्व नियोजकगण ने कोई अरिष्ठता सूची भी प्रकाशित नहीं की और उम्मी भेवा मुक्ति के बाद नियोजकगण ने

अन्य कर्मचारी रखे किन्तु श्रमिक को काम पर वापिस नहीं लिया। श्रमिक के विषद्वा किसी भी प्रकार के आरोप या विभागीय जांच नहीं की गई इसलिये श्रमिक के खिलाफ यह विवाद साधारण सेवामुक्त का है जिसके लिये नियोजकगण को अधिनियम की धारा 25-एफ की पालना करनी आवश्यक थी जो उन्होंने नहीं की है वहस कारण श्रमिक की सेवामुक्त का आदेश अवैध है। नियोजकगण ने समझौता वार्ता में भी समझौता नहीं किया। अतः श्रमिक पुनः सेवा में पदस्थापित होने का अधिकारी है। अतः श्रमिक का क्लेम स्वीकार कर नियोजकगण को आदेश दिया जाय कि श्रमिक को पुनः अपने पद पर काम पर लिया जाय और सेवामुक्त के दिन से वापिस काम पर लेने तक का समर्पण बेतन तथा समस्त लाभ का भुगतान किया जाय। उसकी सेवा में निरन्तरता मानी जाय। इस प्रकार का अवार्ड पारित कर केन्द्रीय सरकार को प्रकाशनार्थ भेजा जाय और छक्का मुकदमा भी दिलाया जाय।

4. नियोजकगण ने जबाब देश किया जिसमें श्रमिक के क्लेम को अस्वीकार किया गया है। नियोजकगण का जबाब है कि डाक विभाग द्वारा निमित सेवा नियमों में एकस्ट्रा डिपार्टमेण्टल स्टाफ के लिये सेवा नियम बनाये गये हैं, श्री पूर्णसिंह ने अपने अवकाश के दिनों में अपने स्थान पर श्रमिक को अपना कार्य सुरुद्द किया था और एक प्रार्थनापत्र पिखकर डाकपाल को सुरुद्द किया था, इस प्रकार एकस्ट्रा डिपार्टमेण्टल स्टाफ जब भी अवकाश मांगता है तब विभागीय नियमानुसार वह अन्य व्यक्ति की स्वीकृत व उसका नाम अवकाश प्रार्थनापत्र में उल्लेखित करता है और वह व्यक्ति उसके स्थान पर कार्य करने का अवकाश के दिवसों तक ही उन्नरवायी रहता है। इस प्रकार के कर्मकार को नियुक्ति नहीं दी जाती है और न उसको बेतन का भुगतान किया जाता है, न वह पूर्णकालिक श्रमिक है, उसकी प्रतिदिन 5 घण्टे कार्य करने की इच्छा होती है। उसे 420/- प्रतिमाह भता स्वीकार किया जाता है। जोहीं ईडी० स्टाफ अवकाश से वापिस लौटा है तो उसके स्थान पर कार्य करने वाले व्यक्ति को कार्यमुक्त कर दिया जाता है, श्री पूर्णसिंह ने 40 दिनों का अवकाश मांगा था लेकिन 40 दिन ब्यतीत होने पर भी वह काम पर नहीं लौटा और न अवकाश लड़ने का आवेदन किया। इस कारण उसके स्थान पर श्री प्रह्लाद सिंह कार्यरत रहा है। जब 180 दिन से अधिक का समय हो गया तो पूर्णसिंह ईडी० के विषद्वा अनुशासनात्मक कार्यवाही अमल में लायी गयी और विभागीय जांच करके उसे भेजा से हटा दिया गया, श्रमिक को पूर्णसिंह के अवकाश में लौटने तक के लिये विभागीय “नियमों के अधीन चार्ज दिलाया गया था। उसकी संविदा 28-2-93 को समाप्त हो गई तब उसे भारमुक्त कर दिया गया। इस प्रकार दिनांक 1-5-91 से 29-2-92 तक श्रमिक को सेवा संविदात्मक थी, प्रह्लाद सिंह औद्योगिक कर्मकार नहीं था, प्रह्लाद सिंह ने 1-3-92 से 8-3-92 तक कोई कार्य नहीं किया, दिनांक 9-3-92 से 31-3-92 की अवधि में उसने 22 दिन भेजा थी श्री इस अवधि के लिए

उसने शुद्ध रूप से आकस्मिक रिक्तता पर कार्य पर लिया गया था, दिनांक 1-4-92 से उसके कार्य की आवश्यकता नहीं थी इसलिये उसे कार्य नहीं दिया गया। नियोजकगण के लिये अधिनियम की धारा 25-एफ, जी० आर० एच० की पालना करनी आवश्यक नहीं थी। इस प्रकार श्रमिक का मामला औद्योगिक विवाद अधिनियम में नहीं आता है और उसका क्लेम खार्ज किये जाने योग्य है। अतः उसका क्लेम खार्ज किया जाय।

5. दोनों पक्षों ने अपने-अपने अभिवचनों के समर्थन में जपथपत्रों के द्वारा साक्ष्य पेश की है, श्रमिक की ओर से उसका स्वयं का जपथपत्र पेश हुआ है और प्रदर्श डब्लू० I से डब्लू० II दस्तावेजात पेश हुए हैं। इसके खण्डन में नियोजक की ओर से भैराराम का जपथपत्र पेश हुआ है और प्रदर्श एम० 1 से एम० 9 तक दस्तावेजात पेश हुए हैं। यहां यह सिखना उचित होगा कि प्रदर्श डब्लू० 1, 2, 3 पर प्रदर्श एम० 1, 2 व 3 भी डाला गया है, इस प्रकार में ये एक ही दस्तावेज है। इसी प्रकार प्रदर्श डब्लू० 4 पर प्रदर्श एम० 5, प्रदर्श डब्लू० 5 पर प्रदर्श एम० 6, प्रदर्श डब्लू० 6 पर प्रदर्श एम० 7 और प्रदर्श डब्लू० 7 पर प्रदर्श एम० 8 भी डाला गया है।

6. बहस सुनी गई और पत्रावली का अवलोकन किया गया। हमारे सामने निम्नलिखित बिन्दु विचारणीय हैं:-

- (1) क्या श्रमिक अधिनियम के प्रावधानों के अन्तर्गत कर्मकार की परिभाषा में आता है?
- (2) क्या नियोजक अधिनियम के प्रावधानों के अन्तर्गत “उद्योग” की परिभाषा में आते हैं?
- (3) क्या श्रमिक की नियुक्ति की गई थी और उसे अवैध रूप में सेवामुक्त किया गया है?
- (4) श्रमिक क्या महायता पाने का अधिकारी है?

7. विद्वान प्रतिनिधि श्रमिक ने यह तर्क प्रस्तुत किया है कि श्रमिक ने 1-5-91 से 31-3-92 तक लगातार 240 दिन से अधिक कार्य किया है, यह एक स्वीकृत तथा है कि उसकी सेवामुक्त के पूर्व अधिनियम की धारा 25-एफ की पालना नहीं की गई है इसलिये उसकी सेवामुक्त अवैध है और वह पुनः पदस्थापित होने और पिछला बेतन प्राप्त करने का अधिकारी है और भाथ ही उसकी सेवा निरन्तरता में माने जाने योग्य है। इसका जबाब देने हुए विद्वान प्रतिनिधि नियोजकगण का तर्क यह है कि श्रमिक अधिनियम के प्रावधानों में दी गई परिभाषा के अनुसार “कर्मकार” नहीं है और न नियोजकगण “उद्योग” की परिभाषा में आते हैं, श्रमिक का मामला एकस्ट्रा डिपार्टमेण्टल स्टाफ के लिये बनाये गये सेवा नियमों के अधीन आता है और जहां इस प्रकार के सेवा नियम बनाये गये हों तो वहां पर अधिनियम के प्रावधान लागू नहीं होते। उनका यह भी तर्क है कि दूर संचार विभाग “उद्योग” की परिभाषा में नहीं आता इसलिये केन्द्रीय सरकार द्वारा प्रेषित किया गया यह

प्रसंग विधि सम्मत नहीं है अतः अभिक का क्लेश खारिज किया जाए। विद्वान् प्रतिनिधि नियोजक ने अपने तर्कों के समर्थन में माननीय उच्चतम न्यायालय के निम्ननिवित न्यायदृष्टान्त पेश किये हैं:-

- ( 1 ) ग्राही इंशार० 1997 सुप्रीम कोर्ट 2663 :  
 एक्जीक्यूटिव इंजीनियर. (स्टेट ऑफ कर्नाटक।)  
 बनाम के० सोमा मेटी तथा अन्य ।

( 2 ) ग्राही इंशार० 1997 सुप्रीम कोर्ट 2817 :  
 वास्थे टेलीकॉन केन्टीन एस्प्लाईज प्रमोसियेशन,  
 प्रभाती डेवली कॉन एवं सचेत बनाम भारत संघ  
 तथा अन्य ।

इसके अन्वाना विद्वान प्रतिनिधि नियोजक ने सिविल श्रीपाल नं० 3885-86 आफ 1996 की फोटो प्रति पेश की है जो माननीय उच्चतम न्यायालय ने मव छिकित्सन इंस्टीट्यूटर आफ पोस्ट वाईक्रम बनाम थर्डियम जोजक इत्यादि के मामले में दिया था। इसका जबाब देने हुए प्रार्थी के विद्वान प्रतिनिधि ने तर्क प्रस्तुत किया है कि बंगलौर वाटर सप्लाई के मामले में माननीय उच्चतम न्यायालय ने निर्णय दिया था उसमें दण्डिये गये मानदण्डों के अनुसार नियोजकगण “उद्योग” की परिभाषा में आते हैं, माननीय उच्चतम न्यायालय का वह निर्णय अभी बदला नहीं गया है और वह निर्णय पूर्ण पीठ का निर्णय है इसलिये श्रमिक कर्मकार है और नियोजकगण “उद्योग” की परिभाषा में आते हैं। अतः यह प्रसंग अधिनिर्णय योग्य है।

8. दोनों पक्षों की बहस पर विचार किया एवम् उनके द्वारा प्रस्तुत की गई सक्षय का अवलोकन किया। श्रमिक प्रह्लादसिंह और नियोजकगण के गवाह भैराराम के शपथपत्रों को पढ़ने में यह बात सामने आती है कि प्रदर्श डब्लू० 1 प्रथवा प्रदर्श एम-1 प्रार्थनापत्र दिनांक 1-5-91 को श्री पूर्णसिंह ने पेश किया था, इस प्रार्थनापत्र के द्वारा श्री पूर्णसिंह ने 1-5-91 से 40 दिन का अवकाश माँगा था और अपने स्थान पर प्रह्लाद को काम करने के लिये प्रस्तुत किया था, इस प्रार्थनापत्र पर प्रह्लादसिंह ने अपने हस्ताक्षर होने स्वीकार किये हैं। इसी प्रार्थनापत्र के अधीन पूर्णसिंह ईडी मेल पियोन में चार्ज प्रह्लादसिंह को दिया गया था, प्रदर्श डब्लू० 2 पर भी प्रह्लाद सिंह ने अपने हस्ताक्षर होने स्वीकार किया है, प्रदर्श डब्लू० 3 के द्वारा दिनांक 29-2-92 को प्रह्लाद सिंह ने ई०डी० पेकर के पद का अपना चार्ज छोड़ दिया, इस प्रबंध डब्लू० 3 या प्रबंध एम-3 पर भी श्रमिक ने अपने हस्ताक्षर होने माने हैं। इन दस्तावेजात तथा प्रह्लादसिंह और भैराराम के बयान में यह बात स्पष्ट हो जाती है कि प्रह्लादसिंह ने ई०डी० पेकर के पद पर श्री पूर्णसिंह के छोड़ी जाने पर उसके स्थान पर पदभार ग्रहण किया था और 21-2-92 को यह पद छोड़ दिया। इन दस्तावेजात के अंतरिक्ष प्रदर्श डब्लू० 8, डब्लू० 9 और डब्लू० 11 पर भी अपने हस्ताक्षर होने स्वीकार किये हैं। भैराराम ने अपने शपथपत्र में कहा है कि प्रह्लाद सिंह

और नियोजकगण के बीच नियोजित और नियोजक के सम्बन्ध नहीं थे। ये सम्बन्ध सर्विदात्मक थे। उसकी संविदा 1-5-91 से 29-2-92 तक की थी, उसने 1-3-92 से 8-3-92 तक कोई काम नहीं किया, 9-3-92 से 31-3-92 तक आकस्मिक श्रमिक के रूप में काम की अवधि 22 दिन की थी। इसकी पुष्टि प्रबंध डब्ल्यू० 11 से होती है। प्रस्तुत साक्ष्य और दस्तावेजात से यह बात साबित हो जाती है कि श्रमिक ने एकस्ट्रा डिपार्टमेण्टल स्टाफ पूर्णसिह के स्थान पर 1-5-91 से 29-2-92 तक कार्य किया था अतः उसकी नियुक्ति श्रमिक के पद पर नहीं हुई थी, इन दस्तावेजात से भी काम संविदात्मक था। जब पूर्णसिह को सेवामुक्त कर दिया गया तो 29-2-92 को श्रमिक को भी भारमुक्त कर दिया गया, दिनांक 1-3-92 से 8-3-92 तक श्रमिक द्वारा कोई काम करना साबित नहीं है बल्कि 9-3-92 से 31-3-92 तक श्रमिक द्वारा आकस्मिक रूप से कार्य करना साबित है। श्रमिक ने जिस अवधि में पूर्णसिह के स्थान पर काम किया वह उस अवधि में एकस्ट्रा डिपार्टमेण्टल स्टाफ के लिये बनाये गये सेवा नियमों के अनुसंधान कार्य किया है इसलिये श्रमिक अधिनियम की धारा 2 (एस) के अन्तर्गत “कर्मकार” की परिभाषा में नहीं आता है। भारा 2 (एस) के अन्तर्गत किसी व्यक्ति को कर्मकार मानते के लिये यह आवश्यक है कि ऐसा व्यक्ति किसी “उद्योग” के अधीन हो। माननीय उच्चतम न्यायालय ने ए०आई०आर० 1996 एस०सी०३०४८५० 1796 स्टेट आफ हिमाचल प्रदेश बनाम सुरेण कुमार वर्मा के मामले में यह माना है कि दूर संचार विभाग उद्योग की परिभाषा में नहीं आता है। इस मिछान्त को माननीय उच्चतम न्यायालय ने ए०आई०आर० 1997 (एस०सी०) 2663 में दोहराया है और इसको पुष्टि ए०आई०आर० 1997 सुप्रीम कोर्ट 2817 में की है। इसी प्रकार का सिर्फात सब-डिविजन इंसेक्टर आफ पोस्ट वाइक्म के मामले में भी प्रतिपादित किया गया है जिस निर्णय की फोटो प्रति विद्वान अधिवक्ता नियोजकगण ने पेश की है। जहां तक बंगलौर वाटर सलाई वले निर्णय का प्रश्न है तो यह निर्णय ए०आई०आर० 1978 एस०सी० 548 पर प्रकाशित हुआ है, उस निर्णय में माननीय उच्चतम न्यायालय ने “उद्योग” की परिभाषा को व्याख्या देते हुए जो मानदण्ड निर्धारित किये थे, उन मानदण्डों को कोई विरोध नहीं किया जा सकता और माननीय उच्चतम न्यायालय ने ए०आई०आर० 1997 सुप्रीम कोर्ट 2817 में उस विनिर्णय पर विचार करते हुए अपना निर्णय दिया है और यह माना है कि जहां पर सेवा नियमों के अन्तर्गत सेवा मुक्ति की गई है वहाँ अधिनियम के प्रावधान लागू नहीं होते हैं। अतः उपरोक्त न्यायदृष्टान्तों से मर्गदर्शन पाने के पश्चात् मैं इस निष्कर्ष पर पहुंचता हूँ कि प्रस्तुत मामले में श्रमिक कर्मकार की परिभाषा में नहीं आता है और न नियोजकगण “उद्योग” की परिभाषा में आते हैं। ऐसी स्थिति में केन्द्रीय सरकार द्वारा प्रेषित प्रसंग का उत्तर सकारात्मक नहीं दिया जा सकता। फलव्वरूप श्रमिक का क्लेम खारिज होने योग्य है।

9. अतः केन्द्रीय सरकार द्वारा प्रेषित प्रसंग को इस प्रकार से अधिनियम किया जाता है कि पोस्ट मास्टर हेड पोस्ट ऑफिस बीकानेर और सुप्रीनेटेण्ट डिविजनल ऑफिस पोस्ट, रानी बाजार बीकानेर द्वारा प्रहलादसह पुत्र बीबल भिंह भाटी को कार्य मुक्त करना उचित है और श्रमिक कोई महायता पाने का अधिकारी नहीं है।

उक्त अधिनियम औद्योगिक विवाद अधिनियम की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को प्रकाशित भेजा जावे।

10. आज्ञा आज दिनांक 26-11-97 की से द्वजलाग लिखाई व सुनाई जाकर हस्ताक्षिरित की गई।

गृहाम हुसैन, न्यायाधीश

नई दिल्ली, 30 दिसम्बर, 1997

का०आ० 207:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर में, केन्द्रीय सरकार अधीक्षक डाकघर विभाग, श्रीगंगानगर (राज०) के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-97 को प्राप्त हुआ था।

[सं.प्रल-40012/215/93-आई०आर० (डॉ०य०)]  
के०वी० भी.उणी, ईस्क अधिकारी

New Delhi, the 30th December, 1997

S.O. 207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bikaner as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt., Dakghar Vibhag, Sri-ganganagar (Raj.) and their workman, which was received by the Central Government on 30-12-97.

[No. L-40012/215/93-IR(DU)]  
K. V. B. UNNY, Desk Officer

अनुबन्ध

औद्योगिक न्यायाधिकरण, बीकानेर

केन्द्रीय ऑद्यो० विवाद प्रसंग सं० 1 सन् 1995 श्री रत्नलाल पुत्र श्री हेतराम जाति सुथार, निवासी, रामपुरा तहसील सूखगढ़ जिला श्रीगंगानगर—जरिये श्री भास्त भूपण आये महामंत्री बीकानेर डिवीजन, ड्रेड यूनियन कांडसिल 1, खजान्ची विल्डिंग, बीकानेर —प्रार्थी/श्रमिक

त्रनाम

श्रमिक, डाकघर विभाग, श्रीगंगानगर (राजस्थान)  
—प्रार्थी/नियोजक

प्रसंग अन्तर्गत धारा 10(1)(ब), औद्योगिक विवाद अधिनियम, 1947

न्यायाधीश—श्री गृहाम हुसैन, आर०एच०ज०एस०

उपस्थिति :—

1. श्री भास्त भूपण आये, श्रमिक प्रतिनिधि
2. श्री मदनलाल श्रीमाली, नियोजक प्रतिनिधि

अधिनियम

दिनांक 26 नवम्बर, 1997

थम मंत्रालय, केन्द्रीय सरकार ने “औद्योगिक विवाद अधिनियम, 1947 (1947 का 14)” जिसे श्री चलकर “अधिनियम” कहा जायेगा की धारा 10 की उपधारा (1) के खण्ड (ब) के अधीन जारी अधिसूचना क्रमांक एल० 40012/215/93-आई०आर०/डॉ०य० दिनांक 20-1-95 के द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद इस अधिकरण को अधिनियमार्थ भेजा था :—

“क्या अधिक्षक डाकघर श्रीगंगानगर द्वारा श्री रत्नलाल पुत्र श्री हेतराम सुधार को उसके कार्य से हटाने का कृत्य न्यायोचित है? यदि नहीं तो कामगार किस मदद का हकदार है?”

2. केन्द्रीय सरकार द्वारा प्रसंग प्राप्त होने पर श्रमिक पक्ष व नियोजक पक्ष को क्लेम विवरण और जवाब पेण करने हेतु नोटिस दिये गये।

3. श्रमिक ने अपना क्लेम इस आण्ट के साथ पेश किया कि श्रमिक की प्रथम नियुक्ति 8-10-90 को श्रीगंगा डाकपाल के पद पर हुई थी, जो लम्बे समय से रिक्त था, नियुक्ति के समय श्रमिक को यह कहा गया था कि चयन प्रक्रिया पूरी होने तक उसे काम संभालना है और चयन के समय उसे ही चयनित कर लिया जायेगा। श्रमिक ने दिनांक 8-10-90 से 8-7-91 तक अप्रार्थी की सेवा में रहकर नियन्त्रण शास्त्रा पोस्ट मास्टर का काम किया है, यह अवधि 240 दिनों से अधिक है। अप्रार्थी संस्थान एक औद्योगिक संस्थान है और श्रमिक एक औद्योगिक कर्मचारी है, इस पर औद्योगिक विवाद अधिनियम के प्रावधान लागू होते हैं। अप्रार्थी नियोजक ने अपने आदेश सं० ए-५५०/पी०एफ० दि० 12-6-91 के द्वारा श्रमिक को अवैधानिक तरीके से सेवा में पृथक कर दिया और उसी दिन उसके स्थान पर श्री कैलाशचन्द्र को सेवा में रख लिया गया। सेवा मुक्ति करने के पूर्व अप्रार्थी नियोजक ने उसे अधिनियम की धारा 25-एफ का लाभ नहीं दिया और ना अधिनियम की धारा 25-जी० और एच० की पालना की है। चूंकि नियोजक ने श्रमिक की सेवा मुक्ति के पूर्व उपरोक्त प्रावधानों की पालना नहीं की है इसलिये श्रमिक की सेवा मुक्ति का कृत्य अवैध है। सेवा मुक्ति के पश्चात् बजाय श्रमिक को वापिस मेवा में जाने के एक नये व्यक्ति को मेवा में लिया गया है जिसमें अधिनियम की धारा 25-एच० की अपालना हुई है।

**अन्तः** प्रार्थी की सेवा मुक्ति का आदेश निरस्त किया। जय, श्रमिक को वापिस उसके पद पर नियुक्त करने तक पिछली अवधि का अर्थात् सेवा मुक्ति में वापिस काम पर लेने तक की अवधि का बेतन लाभ दिलाया जाय। नियोजक को यह भी आदेश दिया जाय कि वरिष्ठता सूची में श्रमिक का माम दर्ज करें और उसकी जो अन्य लाभ मिल सकते हों वे दिलाये जाय। इस प्रकार अवार्ड जारी करके राज्य सरकार के पास प्रकाशन हेतु प्रेरित किया जाय।

4. अप्रार्थी नियोजक ने जबाब पेण किया। अप्रार्थी ने श्रमिक के पूरे क्लेम को अस्वीकार किया है। अप्रार्थी नियोजक का जबाब है कि श्रमिक का पूरा क्लेम झूठा और निराधार है, श्रमिक प्रारंभ से ही कपटपूर्वक भेवा में आने का पड़यन्त्र बना रहा है, श्रमिक के पिता श्री हेतराम ने अपने स्थान पर श्रमिक की बहन श्रीमति कृष्णा को डाकघर का कार्य संभलाया था और उसने 10-12-88 को उसने अपनी पुत्री श्रीमति कृष्णा के नाम से कार्य करना प्रारंभ कर दिया था। श्रीमति कृष्णा का विवाह हो जाने पर हेतराम ने दिनांक 8-10-90 को श्रमिक से काम करवाना प्रारंभ कर दिया, उस समय श्रमिक की आयु केवल 13 वर्ष थी। अप्रार्थी को इस तथ्य की जानकारी बाद में छानबीन करने पर हुई। दिनांक 8-10-90 से 8-7-91 तक प्रार्थी श्रमिक 13-14 वर्ष का बालक था और विद्यालय में अध्ययन रत था। दिनांक 8-10-90 को श्रमिक के पिता ने मात्र कपट से श्रमिक का नाम दर्ज कराया था, वास्तव में यह कार्य उसका पिता हेतराम ही करता था, श्रमिक की आयु सम्बन्धी जानकारी अप्रार्थी को तब हुई जब कि उसने अपने चयन हेतु आवेदन पत्र के साथ अपना शैक्षणिक योग्यता का प्रमाणपत्र भेजा था, इस प्रमाणपत्र में उसकी जन्मतिथि 2-8-72 बताई गई है जबकि उसकी जन्मतिथि 2-1-77 थी। दिनांक 16-5-91 को नियोजक ने अपने निरीक्षक डाकघर सूरतगढ़ को सूचित किया कि रामपुरा डाकघर के लिये श्री कैलाशचन्द्र का चयन किया गया है इस कारण चयनित व्यक्ति को चार्ज दिलाने की व्यवस्था की जाय। इस पर प्रार्थी के पिता ने चार्ज नहीं देने बाबत लड़ाई कराया किया और दिनांक 23-5-91 से 8-7-91 तक की अवधि में हेतराम व रतनलाल ने अवैध रूप से कार्य किया। नियोजक ने दिनांक 12-6-91 को श्रमिक को नोटस दे दिया था कि वह चयनित व्यक्ति श्री कैलाशचन्द्र को डाकघर का चार्ज सौंप दे। श्रमिक शाढ़ा डाकपाल के पद पर नियुक्त के लिये निर्धारित पालता का धारक नहीं था, शाढ़ा डाकपाल के पद पर भर्ती के लिये विज्ञप्ति जारी की गई थी और इस कारण श्रमिक ने भी भर्ती हेतु आवेदन किया था। श्रमिक की जन्म तिथि में कपटपूर्ण धोखाधड़ी करना पाया गया इसलिये उसका सेवा में चयन उपयुक्त नहीं समझा गया। श्रमिक का मामा भी डाकघर में सेवारत था, इस कारण एक डाकघर में दो रिटेलरों को काम पर रखने के विभागीय आवेदन नहीं थे सो श्रमिक की नियुक्ति नहीं दी जा सकती थी। नियोजक के लिये अधिनियम की धारा 25-एच के अन्तर्गत वर्णिता

सूची जारी करने की अवधिकता नहीं थी और ना ही धारा 25-एफ के अन्तर्गत बोई कार्यवाही करने की अवधिकता थी। जिस पद से यह विवाद संबंधित है वह पद ई०डी० (एक्सट्रा विभागीय एजेंट) का पद है इसलिये औद्योगिक विवाद अधिनियम के प्रावधान लागू नहीं होते हैं। अन्तः यह विवाद खारिज होने योग्य है। सो प्रार्थी का स्टेटमेंट आप क्लेम खारिज किया जाय।

5. दोनों पक्षों ने शपथपत्रों के द्वारा सत्क्षय पेण की है, प्रार्थी ने स्वयं का शपथपत्र पेण किया है जिस पर उसमें जिरह की गई है इसी प्रकार हेतराम का भी शपथपत्र पेण हुआ है जिससे भी अप्रार्थी नियोजक ने जिरह की है। इसके खण्डन में श्री संपत्तराज शर्मा व याकूलाल सोनार के शपथपत्र पेण हुए हैं जिनमें प्रार्थीपक्ष ने जिरह की है। दोनों ओर से कुछ दस्तावेजात भी पेण हुए हैं जिनका यथा स्थान उल्लेख किया जावेगा।

6. वहस मुक्ति गई व पत्रावली का अवलोकन किया गया। इस मामले में मेरे मामले निम्नलिखित विवारणीय विन्दु हैं—

- (1) क्या अंगमक अधिनियम के प्रावधानों के अन्तर्गत “कर्मकार” की परिभाषा में आता है?
- (2) क्या अप्रार्थी नियोजक अधिनियम के प्रावधानों के अन्तर्गत “उद्योग” की परिभाषा में आना है?
- (3) क्या श्रमिक की नियुक्ति शाढ़ा डाकपाल के पद पर की गई थी और उसको अवैध रूप से मेवा-मुक्ति किया गया?
- (4) क्या श्रमिक की सेवा मुक्ति अधिनियम के प्रावधानों के विपरीत हुई है और वह किम सहायता का पात्र है?

7. बहस करते हुए नियोजक के विवाद, प्रतिनिधि ने तर्क प्रस्तुत किया है कि प्रथम तो इस मामले में प्रार्थी की नियुक्ति ही नहीं हुई थी, श्रमिक की बहन श्रीमति कृष्णा शाढ़ा डाकपाल का कार्य करती थी और यह एक स्वीकृत तथ्य है कि दिनांक 8-10-90 को रतनलाल ने श्रीमति कृष्णा से चार्ज लिया था जिसका प्रमाण प्रदर्श डब्लू०-१ में है, नियोजक ने प्रदर्श एम ३ दस्तावेज पेण किया है जिसमें श्रीमति कृष्णा ने निरीक्षक डाकघर विभाग सूरतगढ़ को आवेदन पत्र प्रस्तुत किया था कि वह दिनांक 8-10-90 से 9-11-90 तक छहीं पर रहेगी इसलिये उसका कार्य श्रमिक रतनलाल करेगा। श्रमिक ने इसी के अधीन अपना चार्ज कृष्णा से लिया था जिसकी पुष्टि प्रदर्श एम-४ से होती है। इसके पश्चात् नियमित रूप से शाढ़ा डाकपाल के कार्य हेतु चयन की प्रतियोगी अपनायी गयी और श्री कैलाशचन्द्र का इस पद पर चयन किया गया और उसने अपना चार्ज चयनित होने पर ग्रहण किया इसलिये प्रथम तो श्रमिक की नियुक्ति इस पद पर हुई ही नहीं थी और यदि भान भी ली जाय तो प्रदर्श डब्लू० ३ के द्वारा श्रमिक को इस पद से हटा दिया गया क्योंकि श्री कैलाशचन्द्र की नियुक्ति ही गई

थी और प्रदर्श छब्बी० 4 द्वारा कलाश्चन्द्र ने चार्ज ले लिया था। इस प्रकार मे नियुक्ति करने के लिये ई०डी०ए० (कण्ठट प्र०४ सविस रूप्स) केन्द्रीय सरकार की अधिकारिता के अन्तर्गत जारी किये गये हैं और इन नियमों के अन्तर्गत कलाश्चन्द्र को नियुक्त किया गया है। यदि श्रमिक का कार्य करना साधित भी मान लिया जाए तो भी उसने इन नियमों के अन्तर्गत ही कार्य किया है और जहाँ सेवा सम्बन्धी नियम बने हुए हैं वहाँ इस अधिनियम के प्रावधान लागू नहीं होते। इस सम्बन्ध में विद्वान् अधिवक्ता नियोजक ने माननीय उच्चतम न्यायालय के निम्नर्लिखित न्यायदृष्टान्त पेश किए हैं:—

- (1) ए०आई०आर० 1997 सुप्रीमकोर्ट 2817: बास्के टेलीफोन केन्टीन एम्प्लाईज एसोसिएशन प्रभाती डेवी टेलीफोन एफमर्चेन्ज बनाम भारत मंघ तथा अन्य।
- (2) ए०आई०आर० 1997 सुप्रीम कोर्ट 2663 एक्जीएप्युटिक इंजीनियर (स्टेट आफ कर्नाटका) बनाम के. सोमा मेटी तथा अन्य।

इसके अलावा विद्वान् अधिवक्ता ने माननीय उच्चतम न्यायालय के ही एक निर्णय की फोटो प्रति पेश की है जो सिविल अपील सं० 231 आफ 1994 में माननीय न्यायालय ने पारित किया है, जो मामला सब डिविजनल इन्सपेक्टर ऑफ पोस्ट वायकम तथा अन्य बनाम थैर्यम जोजफ इत्यार्दि में सम्बन्धित है। यह निर्णय प्रस्तुत करके विद्वान् अधिवक्ता ने यह लोल प्रस्तुत की है कि प्रथम तो यह मामला राज्य के विषद्द है जिसका कार्य जन कल्याण के सन्दर्भ में है और इसके कारण राज्य को "उद्योग" की परिभाषा में नहीं लिया जा सकता। द्वितीय माननीय उच्चतम न्यायालय ने 1995 मप (4) एस०सी०सी० 672 तथा स्टेट ऑफ हिमाचल प्रदेश बनाम सुरेशचन्द्र वर्मा ए०आई०आर० 1996 एस० सी०डब्ल्यू० में यह मान लिया है कि दूर संचार विभाग "उद्योग" की परिभाषा में नहीं आता है अतः न तो श्रमिकों को कर्मकार कहा जा सकता है न ही नियोजक को "उद्योग" की परिभाषा में लिया जा सकता है। अतः केन्द्रीय सरकार द्वारा प्रेषित किया गया यह प्रसंग विधि सम्मत नहीं है और इसका उत्तर नकारात्मक दिया जाना चाहिए। इसके विपरीत विद्वान् प्रतिनिधि श्रमिक का तर्क यह है कि माननीय उच्चतम न्यायालय ने ही बंगलौर वाटर सप्लाई (1978 (3) एस०सी०आर० 207 ए०आई०आर० 1978 एस० सी० 548) वाले मामले में किसी भी संस्थान को उद्योग मानने के लिये जो मानदण्ड निर्धारित किये थे, वे आज भी कायम हैं, यह माननीय उच्चतम न्यायालय की पूर्ण पीठ का निर्णय है और यह निर्णय अभी वधता नहीं गया है और अप्रार्थी नियोजक इस निर्णय में दर्शित मभी मानदण्ड पूरे करता है अतः अप्रार्थी नियोजक "उद्योग" की परिभाषा में आता है और प्रार्थी कर्मकार की। अतः प्रार्थी श्रमिक का मामला इस प्रसंग के द्वारा अधिनियित किये जाने योग्य है।

8. मैंने दोनों पक्षों की वहस पर विचार किया और माननीय उच्चतम न्यायालय के उपरोक्त न्यायदृष्टान्तों का भी सम्मानपूर्वक अध्ययन किया। बंगलौर वाटर सप्लाई वाले मामले में माननीय उच्चतम न्यायालय ने जो मानदण्ड निर्धारित किये थे उन पर अधिक विस्तार से व्याख्या करते हुए प्रस्तुत मामले पर विचार करने का इमलिये आवश्यकता नहीं है क्योंकि वास्के टेलीफोन केन्टीन एम्प्लोईज वाले मामले में इस पर विचार किया गया है और ए०आई०आर० 1997 सुप्रीम कोर्ट 2663 में माननीय उच्चतम न्यायालय ने यह साप्ट समुक्त दी है कि दूर संचार विभाग की परिभाषा में नहीं आता है। अधिनियम की धारा 2(ए) के अन्तर्गत "कर्मकार" की परिभाषा दी गई है। कि किसी भी व्यक्ति को इस अधिनियम के प्रावधानों के अन्तर्गत "कर्मकार" मानने के लिये सर्वप्रथम यह देखना आवश्यक है कि उम व्यक्ति की नियुक्ति किसी "उद्योग" में हुई है। और, "उद्योग" को इस अधिनियम की धारा 2(जे) में परिभासित किया गया है। धारा 2(जे) पर विचार करने के पश्चात् माननीय उच्चतम न्यायालय ने बास्के टेलीफोन केन्टीन एम्प्लोईज के मामले को निर्णित किया है। विद्वान् अधिवक्ता नियोजक द्वारा प्रस्तुत किये गये उक्त न्याय-दृष्टान्त में दूर संचार विभाग को "उद्योग" नहीं माना है। इसी प्रकार सब-डिविजनल इन्सपेक्टर ऑफ नोट्स वायकम वाले मामले में माननीय उच्चतम न्यायालय ने दूर संचार विभाग को "उद्योग" नहीं माना है और श्रमिक की नियुक्ति को ई० डी० स्टाफ के लिये बनाए गये नियमों के अन्तर्गत नियुक्ति मानते हुए उसे कर्मकार भी नहीं माना है, वही मानशण यदि प्रस्तुत मामले पर लागू किये जायें तो भेरे विनाश विचार में श्रमिक को "कर्मकार" नहीं माना जा सकता। श्रमिक ने जो भी कार्य किया है वह एक्स्ट्रा डिपॉर्टमेंटल स्टाफ के लिये बनाए गये सेवा नियमों के अन्तर्गत रहते हुए किया है और उसे इन नियमों के अन्तर्गत हुआ भी गया है। हेतराम ने अपनी जिरह में स्वीकार किया है कि विवादित पद का नाम एक्स्ट्रा विभागीय एजेंट का पद है। हेतराम तथा रत्नलाल धोनों अपनी जिरह में स्वीकार करते हैं कि रत्नलाल ने इस पद पर कार्य करने के लिये कोई आवेदन नहीं किया था उसको वैसे ही ओवर-सियर ने आर्ज दे दिया था लेकिन उसका यह कथन भावे जाने योग्य नहीं है। प्रदर्श एम-३ प्रार्थनापत्र से यह जाहिर है कि श्रीमति कृष्णा ने 8-10-90 से मुख्यालय से बाहर जाने का कारण बताते हुए छुट्टी मांगी थी और अपनी जिम्मेदारी पर रत्नलाल से कार्य कराने को लिया था और इसी के अधीन दिनांक 8-10-90 से रत्नलाल ने शास्त्रा डाकपाल का चार्ज लिया था। इस प्रकार यह बात स्पष्ट हो गई कि श्रमिक को इस पद पर नियुक्ति के लिये कोई लिखित आवेदन नहीं दिया गया बल्कि नियोजक की साक्षय से यह बात साबित होती है कि कृष्णा के छुट्टी पर जाने के कारण उसकी जिम्मेदारी पर ही श्रमिक ने आर्ज लिया था। श्री सम्पत्तराज शर्मा तत्कालीन अधीक्षक, डाकधर गंगानगर के शपथपत्र से यह साबित है कि रत्नलाल ने इस पद पर नियमित नियुक्ति के लिये आवेदन-पत्र प्रस्तुत

किया था और उसे अन्य व्यक्तियों ने भी आवेदन-पत्र प्रस्तुत किये थे किन्तु रत्नलाल का चयन नहीं हुआ और कैलाशचन्द्र का। चयन कर लिया गया, रत्नलाल का चयन उसकी आयु कम होने के कारण नहीं किया गया जिसके लिये प्रमाण के रूप में प्रदर्श-एम० 1 और 2 पेश किये गये हैं प्रदर्श-एम० 7 रत्नलाल का आवेदन-पत्र है जिसके द्वारा उसने इस पद पर नियमित नियुक्ति के लिये आवेदन किया था। इस प्रकार यह बात स्पष्ट हो जाती है कि एकस्ट्रो डिपार्टमेंटल एन्ड एफ के लिये बनाये गये नियमों के अन्तर्गत स्वयं श्रमिक ने भी प्रदर्श एम० 7 आवेदन-पत्र दिया था लेकिन उसकी नियुक्ति नहीं हुई और इन नियमों के अन्तर्गत कैलाशचन्द्र का चयन हुआ है। जहाँ पर इस प्रकार से नियम बनाकर चयन करने की प्रक्रिया है और यह कार्य राज्य द्वारा किया जाता है तो वहाँ पर उपरोक्त न्याय-दृष्टान्तों के प्रकाश में अधिनियम के प्रावधान लागू नहीं होते। बाबूलाल सोनार के शपथपत्र से यह बात साबित हो जाती है कि श्रीमान् कृष्ण के छुट्टी पर जाने के दौरान ही उसकी जिम्मेदारी पर श्रमिक ने इस पद पर काम किया है जिससे उसको अधिनियम के अन्तर्गत बनाये गये प्रावधान से कोई अधिकार प्राप्त नहीं होता है। श्रमिक का यह मामला धूर संचार विभाग के विश्वद है और उपरोक्त न्याय-दृष्टान्तों के अनुसार यह विभाग "उद्योग" की परिभाषा में नहीं आता है इसलिए न तो श्रमिक "कर्मकार" कहा जा सकता है और न नियोजक को अधिनियम के प्रावधानों के अन्तर्गत "उद्योग" कहा जा सकता है। जहाँ तक बंगलौर बाटर सप्लाई बाले मामले का प्रश्न है, उसमें प्रतिपादित किये गये मिलान्सों की इस विवेचन के द्वारा कोई अवहेलना नहीं है। ए०आ०इ०आ० 1997 सुप्रीम कोर्ट 2817 में माननीय उच्चतम न्यायालय ने उस विनियम पर विचार करते हुए निर्णय दिया है इसलिये प्रस्तुत मामले में बंगलौर बाटर सप्लाई का मामला श्रमिक के पथ को किसी प्रकार से महायता नहीं पहुंचाता है। फलस्वरूप यह बात साबित होती है कि श्रमिक को पांचाला डाकपाल के पद पर कोई नियुक्ति नहीं दी गई, वह अधिनियम के प्रावधानों के अन्तर्गत "कर्मकार" की परिभाषा में नहीं आता और न ही नियोजक को "उद्योग" कहा जा सकता है इसलिये चयनित व्यक्ति के चयन होने पर श्रमिक में चयनित व्यक्ति वो चार्ज दिलाने के कारण यह नहीं कहा जा सकता कि उसे अधिनियम की धारा 25 एक की अवहेलना करने हुए संवादात्मक किया गया है। इसलिये प्रस्तुत मामले में श्रमिक कोई सहायता पाने का अधिकारी नहीं है और केन्द्रीय सरकार द्वारा प्रेषित किया गया यह प्रमंग उक्त विवेचन के प्रकाश में विधि सम्मत नहीं है अतः श्रमिक का क्लेम खारिज किये जाने योग्य है।

9. अतः केन्द्रीय सरकार द्वारा प्रेषित किये गये प्रसंग को इस प्रकार में उत्तरित करने हुए अधिनियम दिया जाता है कि अधीक्षक डॉक्यूमेंट श्री गंगानगर द्वारा रत्नलाल पुत्र हेतरम मुथार को उसके कार्य से हटाने का दृत्य उचित है और कर्मकार इस प्रसंग के द्वारा कोई महायता पाने का अधिकारी नहीं है।

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उक्त अधिनियम अधीक्षिक विवाद अधिनियम की धारा 17(1) के अन्तर्गत प्रकाशनार्थ केन्द्रीय सरकार को को भेजा जावे।

10. आज्ञा आज दिनांक 26-11-97 को से इजलास लिखाई और सुनाई जाकर हस्ताक्षरित की गई।

हॉ/

गुलाम हुसैन, न्यायाधीश

नई दिल्ली, 31 दिसंबर, 1997

का.आ. 208.—अौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक नोट प्रेस, देवास (म.प्र.) के प्रबन्ध तंत्र के सबकु नियोजकों और उनके दालिकारों के बीच, अनुबंध में निर्दिष्ट अौद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-12-97 को प्राप्त हुआ था।

[सं.एन-16011/1/88-दी-2(बो)]  
के.दी.बी. उण्णा, डैस्क अधिकारी

New Delhi, the 31st December, 1997

S.O. 208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank Note Press, Dewas (M.P.) and their workman, which was received by the Central Government on 31-12-97.

[No. L-16011/1/88-D-2(B)]  
K. V. B. UNNY, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक अधिकारण प्रमंग श्रम न्यायालय,  
जबलपुर (म.प्र.)

डी.एन. दीक्षित

पीठामुखीन अधिकारी

श.क. सीजोआईटी/प्रलसी/जार/26/1989

जनरल मैनेजरी,

बैंक नोट प्रेस श्रमिक संघ,

1231, डी.एन.पी. कालोनी,

देवास-455001 (म.प्र.)

-प्राप्ती

विश्वद

जनरल मैनेजर,

बैंक नोट प्रेस,

देवास-455001 (म.प्र.)

-प्राप्ती

अवार्ड

दिनांकित : 24-11-1997

1. भारत सरकार, अम मंत्रालय, नई दिल्ली ने अपने आदेश सं. ए.ल-16011/1/88/डी-2(बो) दिनांकित शूच के द्वारा निम्नांकित विवाद निराकरण हेतु इस व्याधिकरण को अधिकार किया है:—

अनुसूची

**"Whether the management of Bank Note Press, Dewas is justified in imposing penalty of rejection on the employee of Numerota Section of the Printing Group under the Group Incentive Scheme? If not, to what relief the employees of Numerota Section are entitled and with which period?"**

2. दोनों पक्षों को स्वीकार है कि विस मंत्रालय, भारत सरकार के अंतर्गत बैंक नोट प्रेस, देवास मध्य प्रदेश में कार्यरत है। इस नोट प्रेस में बैंक नोट मुद्रित किये जाते हैं। इसके प्रिटिंग इन्स्टीट्यूट के अंतर्गत न्यूमरोटा सैक्षण, जहां पर उम्हे हुए नोट में नम्बर ढालने का काम होता है। बैंक नोट प्रेस में इन्सेटिव स्कीम जनवरी, 1978 से प्रभावशील है।

3. यूनियन के अनुसार न्यूमरोटा सैक्षण में केवल 45 श्रमिक हैं। बैंक नोट उपरे समय जो भी कमिया रह जाती है, उसके कारण नोट को रद्द करना पड़ता है। अगर यह ज्यादा मात्रा में हो तो समय और धन दोनों नष्टा होता है। उत्पादन बढ़ाने के लिए ग्रुप इन्सेटिव स्कीम प्रावधारील को गई। इसमें जो आमदानी होती है, उस में से बैंस्टेज काटा जाता है। प्रिटिंग सैक्षण विभाग के अंतर्गत ही न्यूमरोटा सैक्षण है। न्यूमरोटा सैक्षण में नोट अब उपकर और उसमें जब रंग भरकर आता है, इसके बाद नोटों में नम्बर ढाला जाता है। इस सैक्षण में नोट खराब नहीं होता। पूर्व में गुलोटिन सैक्षण भी न्यूमरोटा सैक्षण के साथ था। गुलोटिन सैक्षण 24-9-79 से अलग कर दिया गया। इनके ग्रुप इन्सेटिव स्कीम के मुश्तान में कोई कटौती नहीं होती। न्यूमरोटा सैक्षण में भी यूनियन के अनुसार कोई नोट खराब नहीं होता। इस कारण इस सैक्षण में भी ग्रुप इन्सेटिव स्कीम में कटौतरा नहीं होना चाहिए। यूनियन की यही मांग है कि जिस दिन से गुलोटिन सैक्षण अलग हुआ उसी दिन से यह घोषित किया जाए कि न्यूमरोटा सैक्षण के श्रमिकों के ग्रुप इन्सेटिव स्कीम से कटौतरा करने का अधिकार प्रबन्धन को नहीं है। इसी अवधि से जो भी कटौतरा किया गया है, उसका भुगतान न्यूमरोटा सैक्षण के श्रमिकों को प्रबन्धन से कराया जाए।

4. प्रबन्धन के अनुसार उसका कार्य सावरन फंक्शन है और इसालिए औद्योगिक विवाद अधिनियम के अंतर्गत वर्तमान विवाद प्रस्तुत नहीं किया जा सकता। ग्रुप इन्सेटिव स्कीम में यह प्रावधान है कि अगर निर्धारित सीमा से ज्यादा बैंस्टेज होगा तो पारिश्रमिक में कटौतरा होगा। ऐसा समझा यूनियन और प्रबन्धन के बीच में स्कीम प्रारम्भ करते समय ही किया गया था। प्रिटिंग इन्स्टीट्यूट में न्यूमरोटा सैक्षण भी है। पूर्व में गुलोटिन सैक्षण भी प्रिटिंग इन्स्टीट्यूट में था, किन्तु इसके कार्य के स्वरूप को बेखते हुए इसे कंट्रोल इन्डार्टमेंट के अंतर्गत कर दिया गया। बैंक नोट जब उपता है तो इसका प्रारम्भ इन्विंग और डिजाइ-

निंग से होता है और अंत में न्यूमरोटा सैक्षण में छलमें नबर पड़ते हैं। प्रिटिंग इन्स्टीट्यूट में अलग-अलग सैक्षण हैं, किन्तु इसका उद्देश्य नोट ढापने से है। प्रत्येक सैक्षण आपस में गुरु नहीं हुए हैं। ग्रुप इन्सेटिव स्कीम प्रस्तुत करने का उद्देश्य था कि उत्पादन में बढ़ोतरी की जाए। इसी उद्देश्य की पूर्ति में बैंस्टेज रीकर्ने के लिए वैनालटी कलाज है। यूनियन का यह कहना गलत है कि न्यूमरोटा सैक्षण के श्रमिकों को बैंक नोट ढापने में कोई योगदान नहीं है। यह कहना भी गलत है कि इस सैक्षण में बैंस्टेज नहीं होता। अगर न्यूमरोटा सैक्षण से वैनालटी कलाज हृटा दिया गया तो प्रिटिंग विभाग के दूसरे सैक्षण भी यही मांग करेंगे। गुलोटिन सैक्षण इसालिए प्रिटिंग इन्स्टीट्यूट से अलग किया गया, क्योंकि इसका कोई योगदान प्रिटिंग में नहीं है। इसका कार्य नोटों को एक साइज का लाइन करने का है। मई, 87 में 12 से 17 डारीख तक सर्वेक्षण कर प्रबन्धन ने यह बताया है कि न्यूमरोटा सैक्षण में ज्यादा नोट रद्द हुए और कलर सैक्षण में उस अनुपात में बहुत कम नोट रद्द हुए। न्यूमरोटा सैक्षण का कार्य संतोषजनक नहीं है। इस सैक्षण में जो नोटों में नम्बर पड़ते हैं, वे 60 से 70 प्रतिशत ही संतोषप्रद हैं। प्रबन्धन का अनुरोध है कि यूनियन की मांग में कोई दम नहीं है और प्रकरण निरस्त किया जाए।

5. औद्योगिक विवाद अधिनियम के प्रथम सेंडप्रूफ में आईटम-22 और-25 का संबंध बैंक नोट प्रेस से है। ऐसी स्थिति में सैक्षण 2(एन).सबकलाज (vi) के अनुसार बैंक नोट प्रेस के श्रमिक वर्तमान विवाद इस व्याधिकरण में लासकते हैं।

6. न्यूमरोटा सैक्षण में नोट उपरे के पश्चात् और इसमें रंग भरे जाने के पश्चात् नोटों में नम्बर पड़ते हैं। वर्तमान में यह प्रिटिंग विभाग के अधीन है। यूनियन का यह कहना है कि इस सैक्षण का प्रिटिंग से कोई गतिवर्त नहीं है। ऐसा कोई तथ्य इस प्रकरण में प्रस्तुत नहीं किया गया जिससे यह पता लगे कि नम्बर ढालने का काम प्रिटिंग से भिन्न है। उपरे हुए नोटों में ऊपर और नीचे नम्बर पड़ता है। इनमें अगर योड़ा भी स्टैपलर की तुलना में कमी आई तो नोट रद्द किये जाते हैं। ऐसी स्थिति में यूनियन का यह कहना गलत है कि न्यूमरोटा सैक्षण में बैंस्टेज नहीं होता।

7. प्रबन्धन के उत्तरवाच की कंडिका-8 में दिनांक 12-5-87 से 17-5-87 तक न्यूमरोटा सैक्षण द्वारा रद्द किए गए नोटों की संख्या बताई गई है। इनकी तुलना कलर एक्जामिनेशन सैक्षण में जितने नोट प्रतिदिन रद्द होते हैं, उसका 3-4 गुना ज्यादा नोट न्यूमरोटा सैक्षण में रद्द होते हैं। इस प्रकार यह सावित हो गया कि न्यूमरोटा सैक्षण में रद्द किए गए नोटों की संख्या कलर एक्जामिनेशन सैक्षण से बहुत ज्यादा है। कलर एक्जामिनेशन सैक्षण, प्रिटिंग विभाग का भाग है और जितना बैंस्टेज प्रिटिंग इन्स्टीट्यूट में होता है, उस सब का कटौतरा ज्यु इन्सेटिव स्कीम के प्रनुसार कलर एक्जामिनेशन सैक्षण को भी देना पड़ता है। ऐसी स्थिति में न्यूमरोटा सैक्षण को बैंस्टेज के अनुपात में कटौतरा से मुक्त देना उचित नहीं है।

8. शुप्र इनसेटिव स्कीम प्रबन्धन ने श्रमिकों की यूनियन की समृद्धि लेने के बाद लागू की। इसका उद्देश्य बैस्टेज रोकना, उत्पादन बढ़ाना और ज्यादा उपस्थिति की प्रेरणा है। जैसे कि ऊपर कहा गया है कि न्यूमोरोडा संकशन में नोट काफी मात्रा में खराब होता है। इस खाराबी पर प्रबन्धन कंट्रोल करती है और एक निर्धारित सीमा से ज्यादा खराब होने पर शुप्र इनसेटिव स्कीम की राशि में कटोतरा होता है। शुप्र इनसेटिव स्कीम की कमाई और वेतन की कमाई दोनों अलग-अलग जीजें हैं। कोई भी प्रबन्धन जब तक बैस्टेज में नियंत्रण नहीं करेगा; उत्पादन में बढ़ोतरी नहीं होगी। ऐसी स्थिति में प्रबन्धन जो भी कटोतरा कर रही है, वह न्यायोचित है।

9. प्रिटिंग डिपार्टमेंट में बहुत से संकशन हैं। पूरी कार्य-प्रणाली नक्शा प्रबर्ष-ए/3 में बताई गई है। पूरे डिपार्टमेंट के कर्मचारी सम्पूर्ण उत्पादन में बैस्टेज काटकर ही शुप्र इनसेटिव स्कीम की राशि पाते हैं। अगर यह राशि प्रत्येक संकशन की अलग-अलग निर्धारित हो तो सुप्र इनसेटिव का कोई मतलब नहीं रह जायेगा। इस स्कीम का तात्पर्य है कि अधिक मिल जुलकर उत्पादन बढ़ाएं और बैस्टेज में कमी करें। प्रत्येक संकशन का काम अलग-अलग देखने से उत्पादन के सामूहिक प्रयास नहीं होते।

10. प्रत्येक डिपार्टमेंट में उचित सामग्री रखने के लिए यह आवश्यक है कि उसके अंतर्गत जितने भी संकशन हैं, वे सभी एक-दूसरे से मिल-जुलकर उत्पादन बढ़ाएं। अगर न्यूमोरोडा संकशन को प्रिटिंग डिपार्टमेंट से अलग कर दिया जाए तो श्रमिकों में जो एकजुट होकर कार्यक्रमता रखती है, उसमें अंतर बढ़ेगा। फिर प्रत्येक संकशन यह मांग करेगा कि उसका बैस्टेज अलग से निकाला जाए। अगर ऐसा सोच प्रत्येक संकशन में हो गया हो सामूहिक प्रयास समाप्त हो जायेगा। न्यूमोरोडा संकशन को प्रिटिंग डिपार्टमेंट से अलग करने का कोई जौनियर नहीं है।

11. ऊपर लिखी विवेचना का यह निष्कर्ष है कि वर्तमान विवाद प्राप्तारहीन है तथा प्रबन्धन के द्वारा अपनाई गई प्रक्रिया न्यायोचित है। यह भवार्ड दिया जाता है कि पद्धति द्वारा अपनाई गई प्रक्रिया उचित है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय बहन करें।

12. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को भेजी जाती हैं।

डी.एन. दीक्षित, पीठासीन अधिकारी  
नई दिल्ली, 31 दिसम्बर, 1997

क्र.मा. 209.—औद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की आरा 17 के अनुसरण में, केन्द्रीय सरकार इस सी सी एल के प्रबन्धतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक प्रधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-97 को प्राप्त हुआ था।

[क्र. एल-22012/414/95 आई आर (सी-II)]  
बी.एम. डीक्षित, डेस्क अधिकारी।

New Delhi, the 31st December, 1997

S.O. 209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 26-12-97.

[No. L-22012/414/95-IR(C-II)]  
B. M. DAVID, Desk Officer  
ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Present : Sri V.V. Raghavan, B.A., LL.B.,  
Industrial Tribunal-I, Hyderabad.

Dated : 16th December, 1997.

#### INDUSTRIAL DISPUTE NO. 77 OF 1996

Between:

Singareni Coal Mines Labour Union  
Ramakrishnapur  
Rep. by its Vice President. ....Petitioner.

AND

The General Manager,  
Singareni Collieries Co., Ltd.,  
Ramakrishnapur  
Adilabad District ....Respondent.

#### APPEARANCES:

M/s. G. Vidyasagar, K. Udayasree & P. Sudheer Rao,  
advocates for the petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, K. Bharathi Devi, advocates for the respondent.

#### AWARD

The Govt. of India, Ministry of Labour, New Delhi, by its order No. L-22012/414/95-IR(C-II) dated. 7-6-96 has referred the following dispute u/s. 10(1)(d) and 2A of the Industrial Disputes Act, 1947 to this Tribunal for adjudication:

"Whether Mr. Packet Rajam & 6 others who are General Mazdoors in Building Dept. of M/s. S.C.C.L. RKP Division are entitled for promotion/contribution as Tyndals (Cat. IV) w.e.f. 1991 basing upon their continuous acting as tyndals since Jan. 1991 till date? If not, what relief they are entitled to?"

Both the parties appeared and filed their respective pleadings.

2. The General Secretary of the Union filed a claim statement contending as follows:

The petitioner Union is registered under Trade Unions Act with registration No. 2064 and it is affiliated to INTUC. Majority of the workmen in Singareni Collieries are members of the petitioner Union. The workmen whose cases were espoused by the petitioner-Union are the members of the petitioner Trade Union. The seven workmen are working as General Mazdoors in Building Department of Ramakrishnapur Division. Their services have been utilised as Tyndals since 1991 and they are being paid category IV wages. They claimed regularisations in category IV but their claim was rejected. The conciliation also failed. Hence, this reference is made. The fact that the seven workmen have been working continuously as Tyndals since 1991 clearly demonstrate that they are working in the existing vacancies and there is also the necessity to act as Tyndals in the division. The Asst. Engineer identified the workmen to act as Tyndals by letter dated 25-7-95. Hence, an Award may be passed holding that the 7 workmen are entitled for confirmation as Tyndals in Category IV from the date of their initial appointment and consequential benefits.

3. The respondent filed a counter contending as follows.—

The petitioner union has to prove that the 7 workmen are its members. There were no elections for this union and Ch. Yellalan was not elected as a president. Some of them declared themselves as once bearers under the guise of registration. The

7 workmen were initially appointed as Badli Coal-filers and subsequently drafted as General Mazdoors when vacancies arose. They were transferred to Civil Department/Building Department of Ramakrishnapur division and they were paid category I wages. The respondent is carrying on mining operation in four districts by employing 1,20,000 work force and there is heavy absenteeism and when the workmen of a lower category is posted to discharge duties of the higher category, he is paid to the difference of wages between the higher category and lower category on the principle of equal pay for equal work. It is called 'Acting Allowance'. A person so employed will not get a right to claim higher category post. The post of Tyndal under the Wage Board Agreement is duly recognised as category of group IV. It is a skilled junior post. The job description of the tyndal is as follows:

"A workman generally employed in moving engineering stores, drums of all and greases. Also responsible for erection, dismantling of structures and installation and withdrawal of machinery."

The tyndal is employed moving Engineering stores, drums, etc. There is no necessity of a tyndal in Civil Department and so no post is sanctioned

there. There are 15 Civil Departments in different areas of Singareni Collieries. There is no post of tyndal in any of these Civil Departments since last 106 years. The allegation that the respondent is utilising the services of the Civil workers as tyndals since 1991 and is opposing to regularise them without any reason is not correct. Ramakrishnapur area is declared as a Naxalite area and the administration of the company was taken over by naxalites and they covered management to pay 'Acting Allowance'. They were paid category IV wages continuously whenever they carry cement bags, water pipes, etc. This does not come under heavy machinery or plantation. They were paid acting allowance in category IV continuously though there was no work in 1991, 1992. The production cost is increasing due to such unwarranted payments and the company is incurring heavy losses. The Civil engineers were threatened and intimidated by extremists and forced to pay the allowance. There are no existing vacancies. If the 7 workmen worked as tyndals, such a dispute has not been raised before the Joint Bipartite Committee for coal industry for creation of the posts. Lorries and fork lifters are used for loading and transporting material in all departments. General Mazdoors attend to loading and unloading. The Asst. Engineer might have written a letter only because of threats by extremists and not in normal circumstances. The petitioners are not entitled to any relief.

4. The Secretary of the Union and the three of the workmen concerned are examined as WW1 to WW4. They filed Exs. W1 to W19. The Executive Engineer and Sr Divisional Industrial Engineer are examined as MW1 and MW2 on behalf of the management. They filed Exs. M1 to M3.

5. The point for consideration is:

"Whether the 7 workmen are entitled for promotion or confirmation as tyndals Category IV from 1991?"

6. Point : The Secretary of the Union that espoused the cause of the workmen is examined as WW1. Three out of 7 workmen concerned in this dispute are examined as WW2 to WW4. They filed Ex.W1 to W19. The Executive Engineer, Civil Department and Sr. Divisional Industrial Engineer are examined as MWs 1 and 2 for the management. They filed Exs. M1 to M3.

7. The admitted or proved facts of the case are as follows:

The seven workmen connected to this dispute initially joined as Coal-filers and they were later on promoted as General Mazdoors. They have been working in Civil Department cum Building Department as General Mazdoors in Ramakrishna

This department attends to construction and maintenance of buildings and laying of roads and water supply lines. It also constructs fan houses and attend to tunnelling and formation of arches etc. The seven workmen are General Mazdoors who were of Category I. In Civil Departments, valve operators belong to Category II. Fitter helpers and pump operators are in a category III. Fitters tyndals and Senior pump operators are Category IV. Though the seven workmen connected to this dispute belong to category I, they are paid the Acting Allowance of category IV as if they have worked as tyndals since 1991. The Assistant Engineers mentioned in Ex.W2 dated 25-7-95 that the seven workmen are identified to work on lorry and they will be given Tyndal allowance as and when they discharge duties of the Tyndals. The same averments are made in Ex.W14 dated 14-7-95. The seven persons are paid Tyndal allowance almost continuously since 1991. They applied for confirmation as Tyndals. The respondent refused as there are no posts of Tyndals in the Civil and Buildings Department. So they moved conciliation machinery and the conciliation failed as per Ex.W1 to W3. The seven workmen are being paid Tyndal allowance as per Ex.W4, W5, Exs. W8 to W12 and W19 pay slips.

(8) The respondent admitted that the seven workmen are paid Tyndal allowance since 1991 but contends that the Tyndal allowance is paid since the officers are being threatened by them as well as the Naxalites and also as these workmen are stopping supply of water to the township in which about 15,000 employees and their families of the respondent reside and causing inconvenience to them. The further contention of the respondent is that there are no posts of Tyndals at all in 15 Civil Departments of Singareni Collieries spread over in four districts and these seven workers are only extracting the Tyndal allowance by threats. The petitioner deny the same.

(9) There is a Joint Bi-Partite Agreement for Coal industry in which the job description is given. Ex. M1 contains the job description of tyndal as approved by Joint Bi-Partite Committee for the coal industry and it reads as follows :—

**TYNDAL** :—A workman generally employed in moving engineering stores, drums of oil and greases. Also responsible for erection, dismantling of structures and installation and withdrawal of machinery.

(10) The respondent contends that the petitioners are not doing any of the above work and such a work will be available in the Engineering department only. The Secretary of the Union WW1

deposed that these workmen are carrying heavy machinery. He denies the suggestion that they are attending to loading and unloading of ordinary goods from the lorry. He deposes that they are carrying a motor weighing 300 to 500 kgs. and also 6 inches pipes weighing more than 300 kgs. WW2 deposes that they carry pumps and motors to the workshop and then bring them back after repairs. He does not know whether the tyndal post is a skilled junior post. WW3 deposes that they are carrying pumps, motors and pipes as tyndals. He does not know whether the work of a tyndal is the work of Mining Sardar, Shot firer and Coal cutter. WW4 deposes that they are carrying motors, etc. weighing 5 to 6 tonnes and loading them into the lorry. MWs 1 and 2 engineers say that there is no work of a tyndal in the Civil works department. The work claimed to have been done by the petitioners does not find a place in Ex. M1, the job prescription. Tyndals are not required in Civil departments as per Ex. M2, man power proposal statement. The documents Exs. W15 and 16 filed by the petitioners themselves disclose that a test is conducted for the post of tyndals at stores premises. So the petitioners do not qualify for promotion or confirmation as Tyndals. Infact, there are no posts of Tyndals in the Civil Works Department. However, they have been paid Tyndal allowance till about the end of June 1997 whenever they attended to the work mentioned in Ex. W13.

(11) In the above circumstances, an award is passed holding that the petitioners are not entitled to promotion or confirmation as Tyndals as there are no such posts in the Civil Work Department. This Tribunal cannot create a new post. However, the petitioner shall be paid Acting Tyndal Allowance whenever they attend to the work, mentioned in Ex. W13.

Dictated to the Sr. Stenographer, transcribed by her, corrected by me, given under my hand and the seal of this Tribunal, on this the 16th day of December, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I  
Appendix of Evidence

Witnesses examined for the petitioner :—	Witnesses examined for the respondent :—
WW1 : M. Rajesham	MW1 : C.S. Somayajulu
WW2 : K. Yadaiah	MW2 : K.R. Phani
WW3 : M. Lingiah	
WW4 : B. Cheralu	

Documents marked for the petitioner :—  
Ex. W1 : Minutes of Conciliation proceedings held on 24-8-95 before ALC, Mancherial.  
Ex. W2 : Certificate identifying the General Mazdoors working in the Civil Engineering Department dt. 25-7-95.

- Ex. W3 : Failure report dt. 31-8-95 submitted by ALC, Mancherial.
- Ex. W4 : Bunch of pay slips of Sri Kehidi Yoddiah of 7/91, 3/92, 3/95 and 4/96.
- Ex. W5 : Bunch of pay slips of Sri Pagidi Rajam.
- Ex. W6 : Xerox copy of the gate pass dtd. 27-7-95.
- Ex. W7 : Xerox copy of the gate pass dtd. 16-11-96.
- Ex. W8 : Two pay slips of M. Lingaiah.
- Ex. W9 : Two pay slips of Pedda Rayamallu.
- Ex. W10 : Two pay slips of I. Ramalingaiah.
- Ex. W11 : Two pay slips of B. Cheralu.
- Ex. W12 : Two pay slips of T. Ch. Lingaiah.
- Ex. W13 : Xerox copy of the order dtd. 26-8-97 asking the workers to work as Tyndals.
- Ex. W14 : Authorisation dtd. 14-1-95 given by Executive Engg. (C) to General Mazdoors to work as Tyndals and acting allowance will be given.
- Ex. W15 : Office order dt. 5-10-95 issued by G.M., RKP drafting the General Mazdoors as Tunnel Mazdoors w.e.f. 1-10-85.
- Ex. W16 : Notice regarding the test to be conducted on 10-2-97 informing the workmen, issued by the Dy. COS, RKP., dtd. 30-1-97.
- Ex. W17 : Xerox copy of letter given to the General Mazdoor, S.C.C.L, RKP, regarding particulars of the members of the union dtd. 4-8-95.
- Ex. W18 : Xerox copy of Bunch of membership registers.
- Ex. W19 : Bunch of pay slips (2 slips) for the months of July'97 of Sri P. Rajam.

Documents marked for the management :

- Ex. M 1 : Extract of page 16 of JBCCL.
- Ex. M 2 : Man Power Proposal Statement for the year 1995-96, submitted on 4-1-96 to the management by the Civil Department.
- Ex. M 3 : Bunch of extracts of News Papers regarding the activities of SIKASA.

नई दिल्ली, 31 दिसम्बर, 1997

का.आ।. 210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-97 को प्राप्त हुआ था।

[संख्या ए.ल-22012/295/95-आई आर (सी-II)]  
बी.एम. डैविड, डैस्क अधिकारी

New Delhi, the 31st December, 1997

S.O. 210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the

Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 26-12-97.

[No. L-22012/295/95/I.R.(C. II)]  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT : Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I, Hyd.

Dated 18th day of November, 1997.

Industrial Dispute No. 39 of 1997

#### BETWEEN

The Branch Secretary,  
Singareni Collieries Employees Union,  
(CITU), Kothagudem,  
Dist. Khammam (A.P.)

..Petitioner

#### AND

The General Manager,  
Singareni Collieries Co. Ltd.,  
Venkashkhani (Post),  
Via Kothagudem,  
Khammam (A.P.)

..Respondent

#### APPEARANCES

None for the petitioner,  
J. Parthasarathy, V. Hariharan, advocates for  
the respondent.

#### AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-22012/295/95-IR (C. II) under section 10 (1) (d) and 2 (A) of the I.D. Act, 1947 has referred the following dispute for adjudication :—

"Whether the action of the management of S.C.C. Ltd., in denying dependent employment to Smt. Posha Rose wife of Late Philip Rose, Ex. General Mazdoor is legal and justified ? If not, to what relief is the dependent entitled and from which date ?"

(2) After receipt of the said reference, this Tribunal issued notices to both the parties. Both the parties received their notices. On 9-9-97, the respondent has filed the vakalat but the petitioner did not appear before this Tribunal.

(3) On a perusal of the docket sheet from 9-9-97 to 18-11-97, it can be seen that the petitioner, though notice was served upon him, is not interested to prosecute the matter. There is no triable issue involved in this case. Hence, the I.D. is closed.

Given under my hand and the seal of this Tribunal, on this the 18th day of November, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

No oral or documentary evidence is adduced by both, the parties.

नई दिल्ली, 5 अक्टूबर, 1998  
 का. आ. 211.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेवली लैग्नाइट कार्बोरेण्ट लिं. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में आंदोलिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-98 को प्राप्त हुआ था।

[म. एल-29011/29/96-श्राई आर. (विविध)]

मी. पम. डेविड, डैस्क अधिकारी

New Delhi, the 5th January, 1998

S.O. 211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Neyveli Lignite Corporation Ltd., and their workman, which was received by the Central Government on 5-1-98.

[No. L-29011/29/96-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 18th day of December, 1997

#### PRESENT :

Thiru S. Ashok Kumar, M.Sc.,B.L., Industrial Tribunal

Industrial Dispute No. 95 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of Neyveli Lignite Corporation, Ltd., Neyveli).

#### BETWEEN

The Workmen represented by :

The General Secretary,  
NLC Nurses Association,  
D-23, Rabindranath Tagore Road,  
Block-13, Neyveli-607 801.

#### AND

The Chairman & Managing Director,  
Neyveli Lignite Corp., Ltd.,  
Corporate Office, Block No. 1,  
Neyveli-607 801.

#### REFERENCE :

Order No. L-29011/29/96-IR (Misc.), Ministry of Labour, dated 14-10-96, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Mr. N. A. K. Sarma.

K. Mahesh and N. Nithyanandan, Advocates appearing for the respondent-management, upon perusing the reference, and all other papers on record, and the petitioner being called absent, this Tribunal passed the following :

#### AWARD

This reference has been made for adjudication of the following issue :

"Whether the demand of NLC Nurses Association, Neyveli for treating Diploma Nurses on par with Diploma Engineers/ Scientists in the scale of pay and other benefits is justified ? If so, to what relief they are entitled ?"

Petitioner absent. No representation. Claim statement not, filed. Dismissed for default.

Dated, this the 18th day of December, 1997  
THIRU S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 5 अक्टूबर, 1998

का. आ. 212.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पीटर ट्रस्ट के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में आंदोलिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-98 को प्राप्त हुआ था।

[म. एल-33012/2/93-श्राई. आर. (विविध)]

मी. पम. डेविड, डैस्क अधिकारी

New Delhi, the 5th January, 1998

S.O. 212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on 5-1-98.

[No. L-33012/2/93-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 18th day of December, 1997

#### PRESENT :

Thiru S. Ashok Kumar, M.Sc.,B.L., Industrial Tribunal

Industrial Dispute No. 4 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of Madras Port Trust, Madras).

**BETWEEN**

The Workmen represented by :  
 The General Secretary,  
 The Madras Port Trust, Employees Union,  
 "S.C.C. Anthony Pillai Bhavan",  
 9, Second Line Beach,  
 Madras-600 001.

**AND**

The Chairman,  
 Madras Port Trust,  
 Rajaji Salai,  
 Madras-600 001.

**REFERENCE :**

Order No. L-33012|2|93-IR (Misc.), Ministry of Labour, dated 20-1-94, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Tvl. A. L. Somayaji and R. Arumugam, Advocates appearing for the respondent-management, upon perusing the reference, claim, counter statements and all other papers on record, and the petitioner being called absent, this Tribunal passed the following :

**AWARD**

"Whether Shri D. Lakshmana Rao, Mazdoor in the Engineering Department of Madras Port Trust, is entitled to pay for the period from 16-9-91 to 21-10-91 and increased subsistence allowance from 21-1-92\* to 18-5-93 or not ?"

\*Amended as per Corrigendum No. L-33012|93-IR(Misc.), Ministry of Labour, Govt. of India, dated 17|21-2-94.

Petitioner called absent. No. representation. Dismissed for default.

Dated, this the 18th day of December, 1997

**THIRU S. ASHOK KUMAR**, Industrial Tribunal

नई दिल्ली, 5 जनवरी, 1998

का. आ. 213.—श्रीद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्पकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में श्रीद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-98 को प्राप्त हुआ था।

[सं. एल.-33012/8/94-प्राई. आर. (विविध)]  
 श्री. प्रम. चैविड, डैस्क अधिकारी

New Delhi, the 5th January, 1998

S.O. 213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between

the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on 5-1-98.

[No. L-33012|8|94-IR (Misc.)]  
 B. M. DAVID, Desk Officer

**ANNEXURE****BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS**

Thursday, the 18th day of December, 1997

**PRESENT :**

Thiru S. Ashok Kumar, M.Sc.,B.L., Industrial Tribunal

Industrial Dispute No. 5 of 1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of Madras Port Trust, Madras).

**BETWEEN**

Shri D. Lakshmana Rao,  
 48/2, Devaraja Mudali Street,  
 Rattalam, Madras-600 012.

**AND**

The Chairman,  
 Madras Port Trust,  
 Rajaji Salai,  
 Madras-600 001.

**REFERENCE :**

Order No. L-33012|8|94-IR(Misc.), Ministry of Labour, dated 26-12-94, Govt. of India, New Delhi.

This dispute coming on for final hearing this day, in the presence of M/s. Aiyar & Dolia and R. Arumugam, Advocates appearing for the respondent, upon perusing the reference, claim, counter statements and all other material papers on record, and the petitioner being absent, this Tribunal passed the following :

**AWARD**

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Madras Port Trust, in imposing the punishment of dismissal from service w.e.f. 19-6-93 on Shri Lakshmana Rao is legal and justified ? If not, to what relief the workman is entitled ?"

MW1 present. Petitioner absent. No representation for petitioner. Dismissed for default.

Dated, this the 18th day of December, 1997

**THIRU S. ASHOK KUMAR**, Industrial Tribunal

नई दिल्ली, 5 जनवरी, 1998

का. आ. 214.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण, केन्द्रीय सरकार एन. एस. डी. सी. लिमिटेड, के प्रबंध तंत्र के संबंध नियाजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-98 को प्राप्त हुआ था।

[सं. एन-43012/1/93—प्राई. आर. (विविध)]  
बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 5th January, 1998

S.O. 214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N.M.D.C. Ltd., and their workman, which was received by the Central Government on 5th January, 1998.

[No. L-43012/1/93-IR(Misc.)]

B. M. DAVID, Desk Officer  
अनुबंध

केन्द्रीय आधिकारिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर,  
म. प्र.

डी. एन. दीक्षित  
पीठासीन अधिकारी

प्र. कं. सीजीआईटी/एनसी(आर) (22)/1994

श्री एस. के. सरकार

कार्यवाहक अध्यक्ष,

एम. पी. राष्ट्रीय हीरा खनि मजदूर संघ (इंटक)

हीरा खनि परियोजना

मझगांव जिला-पत्ता (म. प्र.) —प्रार्थी

वि.

महाप्रबंधक

एन. एम. डी. सी. लिमिटेड,

डायमण्ड माइनिंग प्रोजेक्ट,

पन्ना (म. प्र.) प्रतिपार्थी

दिवार्ड

दिनांक : 17-12-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने ग्रप्ते आदेश संख्या : एन-43012/1/93—प्राई. आर. (विविध) दिनांक 1-3-94 के द्वारा निम्नलिखित विवाद निगरण हेतु इस न्यायाधिकरण को प्रेपित किया है:—

अनुसूची

“क्या प्रबंधतंत्र एन. एम. डी. सी. लि. डायमण्ड माइनिंग प्रोजेक्ट, पन्ना (म. प्र.) के प्रबंधकों द्वारा श्री के. के. सक्सेना, कनिष्ठ सहायक ऑफिसर—की माह अक्टूबर, 89 से माझ अक्टूबर 91 तक सकात

किग्राहा की स्पष्ट 304 प्रतिमाह की वेतन से की गई कटौती की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है।”

2. दिनांक 17-11-97 को श्री के. के. सक्सेना श्रमिक ने इस न्यायालय में उपस्थित होकर ये सूचित किया कि सम्पूर्ण राशि का भुगतान उगे हो गया है और वह अग्रिम कार्यवाही नहीं चाहता।

3. अवार्ड दिया जाता है कि श्रमिक श्री के. के. सक्सेना को सम्पूर्ण राशि का भुगतान हो जाने से अग्रिम कार्यवाही की आवश्यकता नहीं है। दोनों पक्ष इस प्रकरण का अपना-अपना भय बहन करें।

4. अवार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय को प्रेपित की जाती है।

डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 1 जनवरी, 1998

का. आ. 215.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सारस्वत को. आप. बैंक लिमिटेड, के प्रबंध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, नं. II, मुंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-97 को प्राप्त हुआ था।

[सं. एन-12012/32/95-प्राई.आर.(बी-1)]

पी.जे. माइकल, डैस्क अधिकारी

New Delhi, the 1st January, 1998

S. O. 215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. II, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Saraswat Co. Op. Bank Ltd. and their workman, which was received by the Central Government on the 30-12-97.

[L-12012/32/95-IR (B.I.)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II  
MUMBAI

#### PRESENT

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/35 of 1996  
EMPLOYERS IN RELATION TO THE MANAGEMENT OF SARASWAT CO. OP. BANK LTD.

AND  
THEIR WORKMEN

APPEARANCE :

FOR THE EMPLOYER : S/Shri K. M. Naik &  
S. P. Dhulapkar,  
Advocates.

FOR THE WORKMEN : Mr. V. H. Kantharia,  
Advocate.

Mumbai, dated 11th December, 1997

#### AWARD—PART—II

On 6th May '97 by Part-I Award I came to the conclusion that the domestic inquiry which was held against the workman was against the Principles of Natural Justice and the management was allowed to lead evidence to justify its action.

Ref. No. CGIT-2/35 of 1996.

2. Rajendra R. Khanvilkar the renowned sports man in a carrom applied to the Saraswat Co-operative Bank for getting service in view of their circular dated 17-5-90. In the application he mentioned the date of birth to be 15-11-65 instead of 15-11-64. He passed 9th Standard. He was selected for the post of a peon and was appointed in the year 1992. There after in a scrutiny it was found that the date of birth which was given by the employee is not correct. A show cause notice was given to him calling upon his explanation which was found to be unsatisfactory. Thereafter in a domestic inquiry he was found to be guilty for the charges levelled against him and ultimately he was terminated from the service.

3. Now in the Award I have to decide the remaining issues Viz. Nos. 3 and 4. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the action of the Saraswat Co-operative Bank Limited in dismissing the workman Rajendra R. Khanvilkar peon, w.e.f. 16-9-94 is justified or not ?	Yes
2. If not, what relief the workman is entitled to ?	Does not suffice.

Ref. No. CGIT-2/35 of 1996

#### REASONS

4. The management lead evidence of Anil V. Naik (Exhibit-27) who investigated the matter and Sandeep Punekar (Exhibit-33) Officer Personnel. Rajendra Khanvilkar (Exhibit-35) the workman also lead the oral evidence. The parties relied upon the documents which were filed alongwith Exhibit-7.

5. It is not in dispute that the Saraswat Co-operative Bank Limited by its circular dated 17-5-90 called an application for eligible candidates for recruitment for the post of peon. By the said circular the candidates were required to satisfy two names viz.

- (i) He must have passed standard VIII but not passed S.S.C.
- (ii) He should not be below 18 years of age and not above twenty years of age on 1-6-90.

In pursuance of this circular the worker gave an application Exhibit-7/pg. 169 dated Nil wherein he mentioned his date of birth as 15-11-65. He also produced leaving certificate of the school (Ex.-7/pg. 170) wherein also the date of birth is shown to be 15-11-65. He was called for the interview.

5. Sandeep Punekar (Exhibit-33) Officer Personnel affirmed that a chart is prepared with every interview to take place. In the chart the information supplied by the candidates were filled up and before the interview their originals are seen and the information supplied by them is verified. He affirmed that he does not remember whether he had seen the original birth certificate of the worker or not. But he accepts that he might have corrected the birth date in the chart on the basis of the information given by the worker to the effect 15/11/64 instead of 15/11/65. According to him that does not change the eligibility of the worker to be called for the interview because he fulfils the age criteria. He further affirmed that the information filed in the chart is always subject to scrutiny. He was cross examined thoroughly but I do not find anything which goes to support the case of the worker that the job carried out by him was not proper. It is tried to bring on the record that management has purposefully not brought on record the relevant chart. Punekar affirmed that now it is not with them. Even for the sake of argument if it is said that the chart is brought on the record it does not change the position.

6. Naik affirmed that the workman was posted on the banks Linking Road Branch w.e.f. 14/5/92 as per the normal practice. During the month of November' 92 the personnel department was undertaking the task of verifying the birth dates of all the employees of the bank except temporary employees for the purpose of informing it to the life Insurance Corporation of India for the Group Savings Link Insurance Scheme of all the employees. The concerned official found dis-

crepancies as regards to date of birth of the worker. He affirmed that when the workman submitted the application form of personnel dates 6/4/92 (pg. 164 and 165 of Exhibit-7). He had given the date of birth as 15/11/64 and also enclosed a copy of the school leaving certificate (pg. 148/Ex-7) alongwith the applications form. After perusal of these documents it can be seen that the date of birth on these applications is 15/11/64.

7. After perusal of the school leaving certificate (Ex-7/pg. 148) and (Ex-7/pg. 170) it reveals that this school leaving certificate issued by the Headmaster was on 20/10/87. Both are the photo copies. Both bears the certificates number as 41006 and there is a difference of date of birth. Obviously this is fishy. The explanation which comes forward from the worker is that when it was noticed by him that the date of birth in the school leaving certificate is incorrect he approached the school clerk and got it corrected. According to him he got it correct in the original and thereafter a photo copy which was given to the bank and which at pg. 148. He is not in a position to tell the name of the clerk who carried out the correction. He admits the possion that he had not given the application for carrying out the correction. It can be further seen that in the school record the birth date of the workman is shown as 15/11/61. I will be discussing the school record little later. But, if the clerk has to correct the birth date in the certificate which was initially 15/11/65 then he has to correct it as 15/11/61 and not 15/11/64. It is tried to argue on behalf of the worker that the management has to prove that the worker himself carried out this correction. The management had brought on the record by the documentary evidence viz. these certificates and the other evidence which I will be discussing below that there is a change in the date of birth of the worker. The worker is benefited by it. If the date of birth remains to be 15/11/61 then due to the eligibility clause workman could not get the employment. The inference has to be drawn that the change is carried out by the worker himself and nobody else.

8. Anil Naik (Exhibit-27) affirmed that the management wrote a letter to the Headmaster of the school of the workman that is Narenpark Municipal Secondary School, Parel, Mumbai on 16/12/92. By the said letter the head master was asked to clarify the exact date of birth of the worker. The Headmaster

by his letter dated 29/1/93 (Ex-7/pg. 162) informed the management that the date of birth of Rajendra Khanvilkar as recorded in the general register of the school as 15/11/61. The said letter also states that the general register number of Mr. R.R. Khanvilkar is 1943. Naik affirmed that after receipt of that letter he personally visited the school persued the record and confirmed that in the record the date of birth of the workman is shown as 15/11/61 and not 15/11/64 or 15/11/65. No doubt he did not produce any extract from the register of the school. But really speaking there is no need to produce it because there is an affidavit of the workman himself at pg. 153/Ex-7 where in the categorically mentions that at the time of taking admission in school his mother gave his date of birth as 15/11/61 and his corrected date of birth is 15/11/64. This Affidavit is dated 26/3/93. Not only that Sushila his mother filed an affidavit pg. 153 wherein she had mentioned that she incorrectly gave the date of birth as 15/11/61 at the time of admission instead of 15/11/64. In other words the entry in the school register was correctly made on the information given by mother of the worker. Therefore the argument of the Learned Advocate for the union that the letter purported to be written by the Headmaster is not on the letter head nor the head master is examined have no merits. There is no need to do all these things. The circumstances clearly speaks that the birth date of the workman in the school record is 15/11/61. In other words when he applied to the post of the peon he is out of the eligibility clause.

9. The Bombay Corporation had given a certificate of birth (Ex-7/pg. 139) to the worker wherein his date of birth is shown as 15/11/64. This certificate was issued by the concerned authorities on 3/3/94. On its basis it was tried to argue on behalf of the union that now the court could not sit as a Appellate Court and change the date of birth which was given by the Bombay Corporation and Act accordingly. To substantiate this contention the reliance was placed on Huchcharaya Swamy and Anr. Vs. Canara Bank 1996 II CLR 1046 wherein their Lordships observed the caste certificate issued by legally designated authority is presumed to be valid, correct unless and until it is rejected and set aside by the competent authority. The inquiry officer appointed by the employer has no power to revoke and set aside the caste certificate issued by the designated

authority. The facts of that case are quite different from the facts before me. Here the certificate of birth issued by the corporation is tried to be produced afterwards when it was noticed that the employee had committed fraud on the bank for getting the employment by giving wrong date of birth. The ratio in the said authority has no application.

10. Exhibit-7/pg. 174 is a chargesheet issued to the workman. After giving the details it is categorically mentioned that the afore said alleged forgery and dishonesty on the part of the workman amounts to grave misconduct and he was charged for the same. It is tried to argue that the workman had not committed forgery and dishonesty. The correction was carried out by the school clerk and it was within the knowledge of the management. For the reasons stated above I am not inclined to accept this. Basically on the preponderance of probabilities it is to be seen that who is to be benefited by that correction. It is the workman. The burden is on the workman to establish that the school clerk had changed the date of birth as 15/11/64 which he did not prove. At the initial stage he gave his date of birth as 15/11/65 then changed it to 15/11/64, but infact it was 15/11/61. If that change would not have been done by the worker in view of the curricular he is out of the eligibility criteria and could not get the employment I therefore find that the charges are proved against the workman.

11. There is also one claim which is tried to be made by the worker that his selection was under the sports man category. But it appears to be without any merit. Nodoubt it is undisputed position that he is the Champion in carrom and brought Lawrence to the bank. But it is to be established that he was selected in that category. He accepts the position that he is not appointed in that category. Nodoubt at the time of the interview his extra curricular activities viz. champion in carrom must have carried away the impression of the selection authority and he might have been selected. But that does not mean that he is selected in the sports man category. There is no record to that effect.

12. After coming to the conclusion that the charges are proved against the workman it is to be seen whether the punishment

awarded to the workman is proper or not. In fact when he got the employment he was not eligible for the same. Naturally his termination is proper. Further more, the way he got the employment does not permit him to be in employment in the service like that of a bank. Under such circumstances I record my findings on the points accordingly and pass the following order :

#### ORDER

The action of Saraswat-Co-operative Bank Ltd. in dismissing of workman Sh. Rajendra R. Khanvilkar, peon w.e.f. 16-9-94 is justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 5 जनवरी, 1998

का.प्रा. 216—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अधिकृत है कि करेंसी नोट प्रेस नासिक रोड, में सेवाओं को जिसे श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा की प्रथम अनुसूची की प्रविधि 25 के अन्तर्गत निर्विष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ळ) के उपखंड (६) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजकों के लिए तत्काल प्रभाव से छः मास की कानूनावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/3/91-श्री० स० (नौ० वि०)]  
एच० सी० गुप्ता, अब्र सचिव

New Delhi, the 5th January, 1998

S.O. 216.—Whereas the Central Government is satisfied that the public interest requires that the Currency Note Press, Nasik Road which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/3/91-IR(PL)]  
H. C. GUPTA, Under Secy.

नई दिल्ली, 5 जनवरी, 1998

का०आ० 217.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का०आ० 1619 दिनांक 13 जून, 1997 द्वारा ताम्बा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 5 जुलाई, 1997 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 5 जनवरी, 1998 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा० सं० एस-11017/11/97-आई. आर. (नीति विधि)]

एच० सी० गुप्ता, अवर सचिव

New Delhi, the 5th January, 1998

S.O. 217.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1619 dated 13th June, 1997 the Copper Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 5th July, 1997.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 5th January, 1998.

[F. No. S-11017/11/97-IR(PL)]  
H. C. GUPTA, Under Secy.

नई दिल्ली, 7 जनवरी, 1998

का०आ० 218.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (6) के उपबंधों के अनुसरण में भारत

सरकार के श्रम मंत्रालय की अधिसूचना संख्या का०आ० 1858 दिनांक 8 जुलाई, 1997 द्वारा लौह अयस्क खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10 जुलाई, 1997 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10 जनवरी, 1998 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा० सं० एस-11017/13/97-आई. आर. (नीति विधि)]  
एच०सी० गुप्ता, अवर सचिव

New Delhi, the 7th January, 1998

S.O. 218.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1858 dated 8th July, 1997 the Iron Ore Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 10th July, 1997.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months,

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 10th January, 1998.

[F. No. S-11017/13/97-IR(PL)]  
H. C. GUPTA, Under Secy.

नई दिल्ली, 6 जनवरी, 1998

का०आ० 219.—कर्मचारी भविष्य निधि एवं प्रक्रीण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5 कक्ष की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार 21 जून, 1997 को भारत राजपत्र के भाग II, खंड 3, उपखंड (ii) में प्रकाशित भारत सरकार के श्रम मंत्रालय की संख्या 1620, दिनांक 12 जून, 1997 की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :

उक्त अधिसूचना में क्रमांक संख्या 2 के सामने “खंड 5 कक के उपखंड (2) के अनुच्छेद (ब्र) के तहत नियुक्त” शीर्षक के तहत “अपर सचिव, भारत सरकार” शब्द के स्थान पर “संयुक्त सचिव, भारत सरकार, सामाजिक सुरक्षा प्रभाग” शब्द प्रतिस्थापित किया जाएगा।

[सं. वी-20012/2/97-एस-एस-II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 6th January, 1998

S.O. 219.—In exercise of the powers conferred by sub-section (2) of Section 5AA of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. 1620 dated the 12th June, 1997 published in Part-II, Section 3, sub-section (ii) of the Gazette of India, dated the 21st June, 1997, namely:—

In the said notification against serial No. 2 under the heading “Appointed under clause (b) of sub-section (2) of section 5AA” for the words “Additional Secretary to the Government of India”, the words “Joint Secretary to the Government of India, Social Security Division” shall be substituted.

[No. V-20012/2/97-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 6 जनवरी, 1998

का.आ. 220.—कर्मचारी भविष्य निधि एवं प्रक्रीय उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5 के उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा 10 अप्रैल, 1997 को भारत के राजपत्र, असाधारण के भाग-II, खंड 3 उपखंड (ii) में प्रकाशित भारत सरकार के श्रम मंत्रालय की दिनांक 9 अप्रैल, 1997 की कानूनी आदेश सं 321 (इ) में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रम संख्या 3 के सामने “खंड 5 ‘अ’ के उपखंड (1) के अनुच्छेद, (ब्र) के तहत आने वाले केन्द्र सरकार के प्रतिनिधि” शीर्षक के तहत अपर सचिव भारत सरकार शब्द के स्थान पर “संयुक्त सचिव, भारत सरकार सामाजिक सुरक्षा प्रभाग” प्रतिस्थापित किया जाएगा।

[सं. वी-20012/1/97-एस-एस-II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 6th January, 1998

S.O. 220.—In exercise of the powers conferred by sub-section (1) of Section 5A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour S.O. No. 321(E) dated the 9th April, 1997 published in Part-II, Section

3, sub-section (ii) of the Gazette of India, Extraordinary dated the 10th April, 1997, namely:—

In the said notification against serial No. 3 under the heading “Representatives of the Central Government under clause (b) of sub-section (1) of section 5A” for the words “Additional Secretary to the Government of India”, the words “Joint Secretary to the Government of India, Social Security Division” shall be substituted.

[No. V-20012/1/97-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 7 जनवरी, 1998

का.आ. 221.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 16 की उपधारा (1) के अनुसर में, केन्द्रीय सरकार, मार्गीय प्रगतिसिक्षण सेवा (उडिमा-1967) के प्रशासनिक अधिकारी श्री डी. सी. गुप्ता को उनके द्वारा कार्यभार ग्रहण करने की नारीख ने आगे आदेश तक 224007 525-24500/-रुपय के बेतनमात्र में श्री एस. के शर्मा के स्थान पर महानिदेशक, कर्मचारी राज्य बीमा निगम के स्थान में नियुक्त करती है।

[संख्या ए-12026/5/97-एस-एस-I]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 7th January, 1998

S.O. 221.—In pursuance of sub-section (1) of Section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints Shri D. C. Gupta, an officer of the Indian Administrative Service (OR-1967) as the Director General, Employees' State Insurance Corporation in the pay scale of Rs. 22400-525-24500 vice Sh. S. K. Sharma with effect from the date he assumed charge of the post until further orders.

[No. A-12026/5/97-SS-I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 जनवरी, 1998

का.आ. 222.—कर्मचारी बीमा राज्य अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत के राजपत्र, असाधारण, भाग-II, खंड 3 (ii) में दिनांक 8 जून, 1995 को प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना सं का.आ. 509 (अ)“दिनांक 8 जून, 1995 में निम्नलिखित मंशोद्धन करती है।

उक्त अधिसूचना में “धारा 4 खंड (ग) के अन्तर्गत केन्द्रीय सरकार द्वारा नियुक्त” शीर्षक के तहत क्रम संख्या-3 के सामने प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियों प्रतिस्थापित की जायेगी अर्थात्:—

संयुक्त सचिव, भारत सरकार,  
(सामाजिक सुरक्षा प्रभाग)

श्रम मंत्रालय,

नई दिल्ली।

[सं. घू-16012/2/95-एस-एस-I]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 8th January, 1998

S.O. 222.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 509(E) dated the 8th June, 1995 published in the Gazette of India, Extraordinary, Part-II, Section 3(ii) dated the 8th June, 1995 :—

In the said notification under the heading 'Appointed by the Central Government under clause (c) of Section 4' for the entries against Serial No. 3, the following entries shall be substituted, namely:—

"Joint Secretary to the Government of India (Social Security Division), Ministry of Labour, New Delhi."

[No. U-16012/2/95-SS. II  
J. P. SHUKLA, Under Secy.

नई दिल्ली, 13 जनवरी 1998

का.आ. 223.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 8 के अनुसरण में और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 3274 दिनांक 16 दिसम्बर 1995 का अधिकरण करने हुए केन्द्रीय सरकार एतद्वारा कर्मचारी राज्य बीमा नियम की स्थायी समिति का गठन करती है जिसमें निम्नलिखित मदस्य होंगे :—

#### श्रद्धक्ष

(धारा 8 के अनुच्छेद (क) के तहत केन्द्रीय सरकार द्वारा नियुक्त)

1. सचिव भारत सरकार  
श्रम मंत्रालय  
नई दिल्ली  
मदस्य

(धारा 8 के अनुच्छेद (ख) के तहत केन्द्रीय सरकार द्वारा नियुक्त)

2. संयुक्त सचिव भारत सरकार  
सामाजिक सुरक्षा प्रभाग  
श्रम मंत्रालय  
नई दिल्ली
3. विन प्लाहकार  
श्रम मंत्रालय  
भारत सरकार नई दिल्ली
4. केन्द्रीय भविष्य निधि आयुक्त  
नई दिल्ली

(धारा 8 के अनुच्छेद (ख ख) के तहत तीन राज्य सरकारों का प्रतिनिधित्व करने वाले नियम के मदस्य)

5. पश्चिम बंगाल सरकार का प्रतिनिधित्व करने वाला नियम का मदस्य
  6. तमिलनाडु सरकार का प्रतिनिधित्व करने वाला नियम का मदस्य
  7. महाराष्ट्र सरकार का प्रतिनिधित्व करने वाला नियम का मदस्य
- (धारा 8 के अनुच्छेद (ग) के उप अनुच्छेद (II) के तहत नियम द्वारा चयनित)
8. श्री ए. एस. कासलीवाल  
अध्यक्ष मैमर्स एम कुमार इंटरप्राइज़ (सिनकैम्स)  
प्राइवेट लि.,  
निरंजन बिल्डिंग 99 मरीन ड्राइव  
मुंबई-400002
  9. श्री राम मोहन बिदावत्का  
21, जयहिन्द बिल्डिंग बुलेश्वर  
मुंबई
  10. श्री आर. के. सोमानी  
निदेशक हिन्दुस्तान बेनीटी वेयर एंड इंडस्ट्रीज लि.  
पो. -बहादुरगढ़ (हरियाणा)
- (धारा 8 के अनुच्छेद (ग) के उप अनुच्छेद (III) के तहत नियम (द्वारा चयनित)
11. श्री जी संजीव रेडी  
अध्यक्ष हंटक-आध प्रदेश  
6/बी लाइट बरकतपुरा  
मुंबई-500027
  12. श्री काली घोष  
द्वारा "सीटू" की पश्चिम बंगाल राज्य समिति  
53-आचार्य जे सी बोम रोड कलकत्ता-700016
  13. डा. एच. एच. गोतम  
संयोजक इएम आई प्रोफेसर भारतीय मजदूर संघ  
25 अब्राहम मेशन डा. अम्बेडकर सार्ग परेल  
मुंबई-400012
- (धारा 8 के अनुच्छेद (ग) के उप-अनुच्छेद (iv) के तहत नियम द्वारा चयनित)
14. डा. ए. जे शेलट  
225-ए. शिवाजी नगर  
एम एम जोशी मार्ग  
मुंबई
- (धारा 8 के अनुच्छेद (ग) के उप अनुच्छेद (v) के तहत नियम द्वारा चयनित)
15. इसे बाद में अधिसूचित किया जायेगा।

(धारा 8 के अनुच्छेद (घ) के तहत पदेन सदस्य )

16. महानिदेशक

कर्मचारी राज्य बीमा निगम  
नई दिल्ली

[संख्या यू-16012/3/97-एस.एस.-I]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 13th January, 1998

S.O. 223.—In pursuance of section 8 of the Employees State Insurance Act, 1948 (34 of 1948) and in supersession of the notification of the Government of India in the Ministry of Labour No. S.O. 3274 dated the 16th December, 1995, the Central Govt. hereby constitutes the Standing Committee of the Employees' State Insurance Corporation consisting of the following members, namely:

#### CHAIRMAN

(Appointed by the Central Govt. under clause(a) of Section 8)

1. Secretary to the Govt. of India,  
Ministry of Labour,  
New Delhi.

#### MEMBER

(Appointed by the Central Government under clause (b) of Section 8)

2. Joint Secretary to the Govt. of India,  
Social Security Division,  
Ministry of Labour.  
New Delhi.
3. Financial Adviser,  
Ministry of Labour,  
Government of India,  
New Delhi.
4. Central Provident Fund Commissioner,  
New Delhi.

(Members of the Corporation representing the three State Governments under clause (bb) of Section 8).

5. The Member of the Corporation representing the Govt. of West Bengal.
6. The Member of the Corporation representing the Govt. of Tamil Nadu.

7. The Member of the Corporation representing the Govt. of Maharashtra.

(Elected by the Corporation under sub-clause (ii) of the clause (bc) of Section 8).

8. Sh. A.S. Kasliwal,  
Chairman,  
M/s S. Kumar Enterprises (Synfabs) Pvt. Ltd.  
Niranjan Building, 99-Marine Drive.  
Bombay-400002.

9. Sh. Ram Mohan Bidawtka,  
21-Jai Hind Building, Buleshwar  
Mumbai.

10. Sh. R.K. Somani,  
Director,  
Hindustan Sanitary ware and Industries Ltd.,  
P.O. Bahadurgarh (Haryana).  
(Elected by the Corporation under sub-clause (iii) of clause (c) of Section 8).

11. Sh. G. Sanjeeva Reddy,  
President,  
INTUC-Andhra Pradesh,  
6/B Light Barkatpura,  
Hyderabad-500027.

12. Sh. Kali Ghose,  
C/o West Bengal State Committee of CITU.  
53-Acharya J.C. Bose Road, Calcutta-700016.

13. Dr. H.H. Gautam,  
Convenor, ESI Cell,  
Bhartiya Mazdoor Sangh,  
25-Abraham Mansion, Dr. Ambedkar Marg,  
Parel, Mumbai-400012.

(Elected by the Corporation under sub-clause (iv) of clause (c) of Section 8).

14. Dr. A.J. Shelat,  
225-A, Shivaji Nagar,  
N.M. Joshi Marg,  
Mumbai.

(Elected by the Corporation under sub-clause (v) of clause (c) of Section 8).

15. To be notified Later.

(Ex-Officio Member under clause (d) of Section 8)

16. The Director General,  
Employees State Insurance Corporation,  
New Delhi.

[No. U-16012/3/97-SS.I]  
J. P. SHUKLA, Under Secy.